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A COLLECTION

OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1875.

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TITLES

OF

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1875.

I. An Act to regulate Distresses for Rents in the Presidency Towns.

II. to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority.

III. to correct a clerical error in the Repealing Act, 1874.

IV. for the further amendment of Act No. I of 1859, and for other purposes.

V. to remove doubts as to the rights and liabilities of certain Native Soldiers.

VI. to secure the repayment of a Loan by the Government of India to Sir Jamsetjee Jeejeebhoy, Baronet.

VII. to regulate Fisheries in British Burma.

VIII. for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

IX. to amend the law respecting the Age of Majority.

X. to regulate the procedure of the High Courts in the exercise of their original criminal jurisdiction.

XI. to amend the law relating to Salt in the Presidency of Fort St. George.

XII. to consolidate and amend the law relating to Ports and Port-dues.

XIII. to amend the law relating to Probates and Letters of Administration.

XIV. to amend the law relating to certain Courts and Offices in the Panjáb.

XV. to amend the Panjáb Laws Act, 1872.

XVI. to amend the law relating to Customs Duties, and for other purposes.

XVII. to consolidate and amend the law relating to the Courts in British Burma, and for other purposes.

XVIII. An Act for the improvement of Law Reports.

XIX. to provide an appeal from certain decrees of the Chief Court of the Panjáb, and for other purposes.

XX. to declare and amend the law in force in the Central Provinces.

XXI. to authorize the University at Calcutta to grant Honorary Degrees.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1875.

	Act.	Sec.
ABETMENT of disobedience to provisions relating to hoisting number of vessel...	XII	65
ABSCONDING WITNESS, procedure in respect of, ...	X	82
ABSENT WITNESS, see *Witness.*		
ABSTRACT STATEMENT of port fund account to be published ...	XII	47
ACADEMICAL DEGREE, see *Honorary degree.*		
ACCIDENTS to ships to be reported	IV	3
ACCOUNT of port fund to be kept	XII	47
ACCOUTREMENTS, military and other, import duty on, ...	XVI	sch. A, No. 36
ACCUSED PERSON(s) may apply for amendment of charge ...	X	9
amendment of charge to be explained to, ...	"	10
trial may proceed if amendment not likely to prejudice, ...	"	11
procedure where amendment likely to prejudice,	"	12
entitled to copy of charge and depositions ...	"	13
entry on unsustainable charge does not acquit,.	"	14
may recall witnesses on amendment of charge..	"	15
may be charged at same time with more offences than one of same kind	"	18
trial of, for more than one offence ...	"	19, cl. 1
for one offence falling within two or more definitions	"	19, cl. 2
how to be charged when it is doubtful what offence committed	"	20
when charged with one offence may be convicted of another	"	21
conviction of, when offence proved is included in offence charged	"	22
when two or more, may be charged jointly ...	"	23
non-validation of irregular commitment if, prejudiced thereby	"	25
to be asked to plead	"	28
right of, to be defended	"	31
number of peremptory challenges allowed to, ...	"	47
examination of, before magistrate to be evidence	"	60
not punishable for refusal to answer ...	"	61
admission of, after commencement of trial ...	"	73

A

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	Act.	Sec.
ACCUSED PERSON(S)—(*contd.*)		
record of evidence in absence of, ...	X	74
may examine any person in attendance ...	"	85
procedure when, appears of unsound mind ...	"	120
release or custody of, when of unsound mind...	"	121
acquitted on account of unsoundness of mind	"	125
procedure where, does not understand proceedings	"	130
may be admitted to bail, or his bail reduced ...	"	136
proceedings in default of appearance of, ...	"	137
ACHARA (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
ACID (sulphuric), import duty on, ...	XVI	Sch. A, No. 9.
ACQUITTAL, when verdict of, may be pronounced	X	62
entry that prisoner should not be retried to operate as, ...	"	100
withdrawal of untried charges to have effect of, ...	"	102
proof of previous, ...	"	119
ACT XXXI of 1838, repeal of.	X	2 & sch.
XIII of 1839, repeal of so much as extant	XII	3 & sch. II
XXII of 1839, repeal of, ...	X	2 & sch.
X of 1841, sections 9 to 16 of Act I of 1859 not to apply to certain ships registered under, ...	IV	29
amendment of sections 2, 15, 17 and 23 of, ...	"	30
XIX of 1841, operation of, in British Burma	XVII	95
XIV of 1843, repeal of so much as extant	VIII	2 & sch.
VII of 1847, repeal of, ...	I	1 & sch. II
reference to, in Act XXIII of 1840, section 3 ...	"	2
IV of 1849, repeal of, ...	X	2 & sch.
IX of 1850, section 89, repeal of, ...	I	2 & sch. II
XXXIV of 1850, saving of detentions under, ...	X	148
VIII of 1851 (except section 1 and schedule) in force in Central Provinces	XX	3 & sch.
XVI of 1852, repeal of, ...	X	2 & sch.
XVIII of 1853, in force in Central Provinces	XX	3 & sch.
XXII of 1855, repeal of so much as extant	XII	3 & sch. II
XXXVI of 1855, repeal of, ...	VIII	2 & sch.
XIII of 1856, section 17, repeal of, ...	XII	3 & sch. II
XIII of 1857 (sections 21 to 23, 25 to 29) in force in Central Provinces...	XX	3 & sch.
XXX of 1857, repeal of, ...	XII	3 & sch. II
XXXI of 1857, repeal of, ...	XII	3 & sch. II
XXXV of 1857, repeal of, ...	XII	3 & sch. II
II of 1858, repeal of, ...	XII	3 & sch. II
III of 1858, saving of detentions under, ...	X	148
VIII of 1858, repeal of, ...	XII	3 & sch. II
XV of 1858, repeal of, ...	XII	3 & sch. II
XVIII of 1858, repeal of, ...	XII	3 & sch. II
XL of 1858, certain provisions of court-fees Act declared applicable to certificates under, ...	XIII VII of 1870	6 19 H
operation of, in British Burma	XVII	95
(except section 1) in force in Central Provinces...	XX	3 & sch.
1859, further amendment of, ...	IV	
saving of powers conferred by section 80 of, ...	"	23
sections 3-27 of Act IV of 1875 incorporated with,	"	28
sections 9-16 of, not to apply to certain ships ...	"	29

	Act.	Sec.
Act—(*contd.*)		
I of 1859, sections 100, 101 and 102, repeal of, ...	IV	2
XII of 1859, powers as to attendance and examination of witnesses under, ...	"	31
XIV of 1859, operation of, in Pegu	XVII	95
XVIII of 1859, repeal of, ...	X	2 & sch.
I of 1860, repeal of so much as extant	VIII	2 & sch.
XIX of 1860, repeal of, ...	XII	3 & sch. II
XXV of 1860, repeal of, ...	XII	3 & sch. II
V of 1861, performance of local services by police enrolled under, ...	XV IV of 1872	2 39-C
XVII of 1861, repeal of so much as extant	VIII	2 & sch.
XXXI of 1861, repealed as regards North-Western Provinces, Panjáb, Oudh and Central Provinces ...	VIII	2 & sch.
I (Bengal) of 1862, repeal of, ...	XII	3 & sch. II
XIV of 1862, operation of, in Pegu...	XVII	95
XVIII of 1862, certain portions of, repealed	X	2 & sch.
XIX of 1862, repeal of, ...	VIII	2 & sch.
I (Bengal) of 1863, repeal of, ...	XII	3 & sch. II
IV (Bombay) of 1863, repeal of, ...	XII	3 & sch. II
XV of 1863, repeal of, ...	IV	2
XXI of 1863, confirmation of rules for service and execution of process under, ...	XVII	68
I (Madras) of 1864, repeal of, ...	XII	3 & sch. II
VII of 1864, repeal of so much as extant	VIII	2 & sch.
XV of 1864, in force in Central Provinces	XX	3 & sch.
XX of 1864, certain provisions of court-fees Act declared applicable to certificates under, ...	XIII VII of 1870	6 19 II
XXVI of 1864, sec. 4, repeal of, ...	I	1 & sch. II
III (Bengal) of 1865, sections 3, 4, 8 (cl. 1 & 2), 10, repeal of,	XII	3 & sch. II
X of 1865 not to affect age of majority under Indian Majority Act	IX	3
section 3, addition to, ...	XIII	1
section 242, addition to, ...	"	2
addition before section 243	"	3
after section 246	"	4
after section 247	"	5
XI of 1865, section 15, amendment of, ...	XVII	94
XIII of 1865, repeal of, ...	X	2 & sch.
XIX of 1865, section 20, partial repeal of, ...	XIV	2
III of 1866, confirmation of rules for service and execution of process under, ...	XVII	68
IV of 1866, portions of, repealed	X	2 & sch.
IV (Bengal) of 1866, section 103, repeal of, ...	XII	3 & sch. II
IV of 1866, section 43, rule under, for hearing appeals from Chief Court of Panjáb, ...	XIX	1
Act XIX of 1875 incorporated with, ..	"	8
XI (Bombay) of 1866, repeal of, ...	XII	3 & sch. II
XVI of 1866, repeal of, ...	X	2 & sch.
XXIV of 1866, sections 2-17, repeal of, .	X	2 & sch.
III (Bengal) of 1867, sections 7, 11, 12 and 13, repeal of,	XII	3 & sch II
IV of 1869, see *Indian divorce act.*		
VII (Madras) of 1867, repeal of, ...	XII	3 & sch. II
VIII (Madras) of 1867, section 80, repeal of, ..	XII	3 & sch. II
XIII of 1867, section 1, amendment of, ...	XII	77

	Act.	Sec.
Act—(*contd.*)		
XIII of 1867, portions of, repealed	XII	3 & sch. II
XXXIII of 1867, repeal of, ...	VIII	2 & sch.
XIII of 1869, portions of, repealed	X	2 & sch.
XV of 1869, saving of, ...	X	143
section 7, amendment of, ...	XVII	93
XXIV of 1869, portions of, repealed	XI	3 & sch.
XXV of 1869, repeal of, ...	VIII	2 & sch.
VII of 1870, addition to, ...	XIII	6
application of, to certain petitions to judicial commissioner	XVII	37
See *Court fees act*, 1870.		
XVIII of 1870, repeal of, ...	XVI	2
XXII of 1870, section 3, repeal of, ...	X	2 & sch.
V of 1871, saving of, ...	X	143
IX of 1871, application of, to certain appeals to judicial commissioner	XVII	37
See *Indian limitation act.*		
XIII of 1871, repeal of, ...	XVI	2
III (Bengal) of 1872, section 5, repeal of, ...	XII	3 & sch. II
IV of 1872, addition to, after section 39	XV	2
repeal of section 50, and substitution of three new sections	"	3
VII of 1872, repeal of, ...	XVII	2
XXV of 1872, repeal of, ...	VIII	2 & sch.
I of 1873, repeal of, ...	XVII	2
I (Bombay) of 1873, section 75, repeal of, ...	XII	3 & sch. II
VI of 1873, saving of, ...	XVI	3
section 7, export of opium under, ...	"	9
VII of 1873, repeal of, ...	XII	3 & sch. II
X of 1874, sections 3 and 4, repeal of, ...	VIII	2 & sch.
XIII of 1874, application of, to judge of Maulmain ...	XVII	96
XV of 1874, repeal of, so far as it relates to Bengal Regulation I of 1833	VIII	2 & sch.
repeal of so much of second schedule as refers to Act XXIV of 1869	XI	3 & sch.
XVI of 1874, correction of clerical error in, ...	III	
II of 1875, repeal of, ...	XVIII	2
IV of 1875, sections 3-27, incorporated with Act I of 1859	IV	28
XIX of 1875, non-existence of, a ground for admission of appeal after expiry of limitation ...	XIX	3
Acts, repeal as to Central Provinces of certain, ...	XX	2 (*b*)
of governor-general in council extending or extendible to the Central Provinces	XX	4
Additional duty, disposal of, ...	VIII	23
power to impose, to cover cost of salt ...	XI	3
power to alter, on salt	"	4
See *Price.*		
Aden (Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV

	Act.	Sec.
ADEN—(*contd.*)		
exempted from operation of sections 1 and 12, clause 3, of Indian Tariff Act	XVI	1
ADJOURNMENT of trial	X	66
ADMINISTRATOR to give security before understamped letters are fully stamped	XIII / VII of 1870	6 / 19 F
penalty on, not paying full court-fee on discovery of underpayment	XIII / VII of 1870	6 / 19 G
ADMIRALTY JURISDICTION, see *Jurisdiction.*		
ADMISSIBILITY OF EVIDENCE of absent witness, explanation of, ...	X	75
, question of, may be referred to judicial commissioner	XVII	25, 29, 80
ADOPTION, Indian Majority Act not to affect questions of, ...	IX	2
rule of decision in cases of, ...	XX	5
"ADVOCATE-GENERAL" defined	X	3
may institute prosecutions for offences against the state	"	131
may exhibit certain informations ...	"	144
effect of charge preferred by, ...	"	145
may enter *nolle prosequi*	"	146
ADVOCATES to be licensed	XVII	84, 86
of high court may appear without license ...	"	84, 87
may appeal from order of suspension or dismissal ...	"	85
what, entitled to appear in special court	"	88
fees of, liable to taxation	"	89
See *Agent.*		
AFFIDAVIT(S) in support of application for distress for rent ...	I	6
courts and persons before whom, may be sworn ...	X	149
power to make rules for admission of, ...	XVII	91
AFFIRMATIONS, see *Affidavit, Oath.*		
AGE OF MAJORITY, see *Majority.*		
AGENT for Secretary of State may appear and act without license	XVII	84, 87
for the crown may appear and act without license ...	"	87
AGREEMENT (S), master to enter into, with seamen	IV	24
form and contents of, ...	"	25
with lascars	"	26
Indian seaman may sign English or Colonial, ...	"	27
AKYAB (British Burma), port-dues in, ...	XII	45 & sch. I, pt. I
court of recorder of Rangoon, sitting of, at, ...	XVII	45
insolvent jurisdiction in, ...	"	66
ALIBAG (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
ALIVARA NAVAPUR (northern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
ALKALI, import duty on, ...	XVI	sch. A, No. 9
ALUM, import duty on, ...	XVI	sch. A, No. 9
AMENDMENT of Act X of 1841, sections 2, 15, 17, 23, ...	IV	30
of Act I of 1859	"	
of Act XV of 1869, section 7, ...	XVII	93
of Act VI of 1863, sections 27, 57, 66 and 180, ...	XVI	12
of Act X of 1865	XIII	

	Act.	Sec.
AMENDMENT—(*contd.*)		
of Act XI of 1865, section 15, ...	XVII	94
of Act XIII of 1867, section 1, ...	XII	77
of Act VII of 1870	XIII	
of Act IV of 1872	XV	
of Act XVI of 1874	III	
of charge by clerk of crown or high court ...	X	7,8, 10
on application of accused or prosecutor ...	"	10
when trial may proceed immediately after,	"	11
witnesses may be recalled after, ...	"	15
AMERICANS, majority of jurors when to consist of Europeans and,	X	35
AMMUNITION, import duty on, ...	XVI	sch. A, No. 2
ANCHOR(s), power to make rules for removal of, ...	XII	7, cl. (*d*)
unauthorized person not to search for, ...	"	40
unauthorized sinking of, ...	"	41
salvage for recovery of, ...	"	43
ANCHORAGE, power to make rules for regulating, ...	XII	7, cl. (*b*)
ANCHORING of vessels, power to make rules for regulating, ...	XII	7, cl. (*g*)
ANGLING, saving of right of, ...	VII	3
ANJANWEL (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
ANKOLA (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
APARTMENTS of women, mode of entry and search of, ...	VIII	19
APPAREL, import duty on, ...	XVI	sch. A, No. 1
levy of dues by sale of vessel's, ...	XII	52
penalty by sale of vessel's, ...	"	66
APPEAL (s) trial of, in which presiding officer interested ...	XVII	19
from court of original jurisdiction	"	21
on certain questions, limitation of, ...	"	29
assessors may be appointed for trial of civil, ...	"	33
limitation of certain, ...	"	37
from recorder in civil suits	"	49
from decrees of chief court of Panjáb	XIX	1
limitation of, ...	"	2
admission of, after expiry of period of limitation ...	"	3
transfer of, to recorder's court	"	58
from recorder in admiralty cases	"	65
rules relating to, to special court	"	74
from certain orders of judicial commissioner and judge of Maulmain	"	75
from order suspending or dismissing advocate ...	"	85
of judge of Maulmain	"	96
See *Second appeal.*		
APPELLATE COURT may confirm decision without summoning respondent	XVII	24
may refer question to judicial commissioner ...	"	25
when decision of, final	"	28
chief court of Panjáb sitting as, may remand or order new trial	XIX	5
APPELLATE JURISDICTION, see *Jurisdiction.*		
APPLICATION of hospital port-dues	XII	60
for reference, limitation of, ...	XVII	29
See *Appeals.*		

	Act.	Sec.
APPOINTMENT of bailiffs and appraisers	I	4
of village watchmen, rules to regulate, ...	XV IV of 1872	2 39A, cl. (c)
of presiding officers of courts in Burma ...	XVII	38
of ministeral officers	"	40, 70, 74
of recorder of Rangoon	"	45
of assessors	"	33, 50
APPRAISEMENT of distress	I	17
APPRAISERS, see *Bailiffs*.		
APPURTENANCES for extinguishing fire, vessels to be provided with, ...	XII	39
ARMS, import duty on, ...	XVI	sch. A, No. 2
ARNALA, (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
ARREST of suspected persons	VIII	18
of occupier of illicit manufactory	"	19
of person to be reported	"	21
when warrant for, of witness may issue in first instance	X	81
procedure when warrant of, cannot be served ...	"	82
of witness disobeying summons	"	84
of vessel in default of payment of port-due ...	XII	52
of witnesses	IV	15
of person who has committed offence	"	16
without warrant of person obstructing watchman ...	XV IV of 1872	2 39B
ARRIVAL of vessel to be reported	XII	49
ARSENIC, import duty on, ...	XVI	sch. A, No. 9
ARTICLE (s) detention of, subject to additional duty ...	VIII	23
made of cane or ratan, import duty on, ...	XVI	sch. A, No. 7
made of coir, import duty on, ...	"	sch. A, No. 12
made of cork, import duty on, ...	"	sch. A, No. 15
made of cotton	"	sch. A, No. 16
made of flax, import duty on,...	"	sch. A, No. 21
made of gum or gum resin, import duty on, ...	"	sch. A, No. 24
made of hemp, import duty on, ...	"	sch. A, No. 26
made of leather, import duty on, ...	"	sch. A, No. 31
made of metals, import duty on, ...	"	sch. A, No. 35
made of silk, import duty on,...	"	sch. A, No. 52
exempt from attachment	XX	7
ARTIFICIAL LIGHT, penalty for drawing spirits by unprotected, ...	XII	25
ARTIFICIAL PROTECTION, unauthorized removal of, ...	"	41
ASPHALT, import duty on, ...	XVI	sch. A, No. 4
ASSAULT, recognizance and security from person convicted of, ...	X	140, 141
ASSESSOR, appointment of, in investigation of charges against masters	IV	5
recorder may appoint, for trial of suits	XVII	50
may be appointed by judicial commissioner for trial of appeals and references	"	33
appointed at desire of suitor, costs of, ...	"	92
ASSIGNEE, see *Official assignee*.		
ASSISTANCE to village watchman, obligation to render, ...	XV IV of 1872	2 39B
ASSISTANT COMMISSIONER, powers of, ...	XVII	12, 13
ASSISTANT CONSERVATOR, powers of conservator may be exercised by, ...	XII	18
ATTACHMENT of property of witness absconding	X	82
release from, of property of witness appearing ...	"	83

	Act.	Sec.
ATTACHMENT—(*contd.*)		
of accused in default of appearance	X	137
of surety on forfeiture of recognizance ...	"	138
articles exempt from, ...	XX	7
ATTENDANCE of witnesses, procedure for obtaining, ...	X	79
person in, may be examined as witness ...	"	80, 85
ATTORNEY-AT-LAW may appear without license	XVII	84, 87
AUCTION, see *Public auction.*		
AUTHORITY (IES) by which certain powers and duties must be exercised in Central Provinces	XX	3
over village watchmen	XV IV of 1872	2 39 A, cl. (*g*)
binding, of certain law reports	XVIII	3
of judicial decisions	"	4
BAIL, court may admit to, or reduce, ...	X	136
deposit of money or government promissory notes as, ...	"	139
BAILIFFS, appointment and remuneration of, ...	I	4
security to be given by, ...	I	5
to be public servants	"	5
BALANCE of common fund in port unions, disposal of, ...	XII	47
BALASORE (Cuttack ports, Lower Provinces), port-dues in, ...	XII	45 & sch. I, pt. II
BALLAST, power to make rules for taking in, and discharging,	XII	7, cl. (*s*)
penalty for improperly discharging, ...	"	22
port-due on vessels in, ...	"	56
BANDORA, (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
BANK, penalty for throwing things likely to form a, ...	XII	22
unauthorizedly doing things likely to injure, ...	"	41
BÁNKOT (southern group, Bombay Presidency), port-dues in ...	XII	45 & sch. I, pt. IV
BAR, award or refusal of compensation a, to suit for damages under distress	I	15, 16
BARRISTER, recorder of Rangoon to be a, ...	XVII	45
See *Advocate.*		
BASKET-WORK, import duty on, ...	XVI	sch. A, No. 7
BASSEIN (British Burma), port-dues in, ...	XII	45 & sch. I, pt. I
(southern group, Bombay Presidency), port-dues in, ...	"	45 & sch. I, pt. IV
insolvent jurisdiction in, ...	XVII	66
court of recorder of Rangoon may be held at, ...	"	45
BASTARDY, rule of decision, in cases of, ...	XX	5
BÁVLIÁRI (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
BEACON, (s) penalty for injuring, &c.	XII	20
cost of, to be charged to port fund account ...	"	47
BEADS, import duty on, ...	XVI	sch. A, No. 23
BEATS, see *Watchmen's beats.*		
BENGAL ACTS, see *Acts.*		
BENGAL, port-dues in ports of, ...	XII	45 & sch. I
See *Port-dues.*		
BENGAL REGULATIONS, see *Regulations.*		
BENZOLE included in inflammable oil	XII	37 Exp.

	Act.	Sec.
BERTHS of vessels, power to make rules for regulating, ...	XII	7, cl. (*b*)
BETROTHAL, rule of decision as to, ...	XX	5
BEYPORE (western group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
BHAGWÁ (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
BHATKAL (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
BHIWANDI (southern group, Bombay Presidency), port-dues in, ..	XII	45 & sch. I, pt. IV
BIMLIPATAM (eastern group, Madras Presidency), port-dues in, ..	XII	45 & sch. I, pt. III
BINDING authority, see *Authority, Reports.*		
BOARD OF TRADE, order for cancellation or suspension of certificate granted by, ...	IV	12
local government to report to, ...	"	21
notice of re-issue of certificate to be reported to, ...	"	22
See *Certificate.*		
BOATS, power to fix rates for use of Government, ...	XII	7, cl. (*j*)
power to make rules for taking in vessel's, ...	"	7, cl. (*c*)
BOMBAY, port-dues in ports of, ...	XII	45 & sch. I, pt. IV
BOMBAY ACTS, see *Acts.*		
BOMBAY REGULATIONS, see *Regulations.*		
BOOMS OF VESSELS, power to make rules for rigging in, ...	XII	7, cl. (*c*)
BOOTS, import duty on, ...	XVI	sch. A, No. 31
BORYÁ (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
BREACH OF THE PEACE, security from persons convicted of, ...	X	140
BREAMING, penalty for, vessels within prohibited limits ...	XII	23
BRIMSTONE, import duty on, ...	XVI	sch. A, No. 9
BRITISH BURMA, Act to regulate fisheries in, ...	VII	
chief commissioner of, may make rules for regulating fisheries	"	8
port-dues in ports of, ...	XII	45 & sch. I, pt. I
See *Port-dues.*		
grades of courts in, ...	XVII	6
operation of certain Acts in, ...	"	95
civil procedure code applied to, ...	"	97
regulations extended to, ...	"	98
BRITISH BURMA GAZETTE, see *Gazette.*		
BRITISH INDIA, judge of high court to be ex-officio justice throughout, ...	X	152
age of majority of persons domiciled in, ...	IX	3
Acts extending to whole of, ...	IV	
	V	
	VIII	1, 2, and so much refers offences.

	Act.	Sec.
British India, Acts extending to whole of,—(*contd.*)		
	IX	
	X	
	XIII	
	XVI	1 & 12, cl. 3
(except Aden)	XVI	
	XVIII	
Broach (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
Brushes, import duty on, ...	XVI	sch. A, No. 3
Buddhist law, application of, in certain cases	XVII	4
Building materials, import duty on, ...	XVI	sch. A, No. 4
Bulsar (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
Buoy (s), notice to conservator if vessel fouls, ...	XII	14
penalty for injuring, &c.	"	20
cost of, to be charged to port fund account	"	47
Burma courts act, 1875	XVII	
Burma fisheries act	VII	
See *British Burma.*		
Business, deputy commissioner to direct, in subordinate courts	XVII	20
rules relating to distribution of, in special court ...	"	74
Cabinet-ware, import duty on, ...	XVI	sch. A, No. 5
Cable (s), conservator may cut, endangering safety of vessel ...	XII	10
unauthorized person not to search for lost, ...	"	40
Calcutta (Lower Provinces), port-dues in, ...	XII	45 & sch. I, pt. II
Calcutta university empowered to confer honorary degrees ...	XXI	
See *Presidency towns.*		
Calicut (western group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
Calingapatam (eastern group, Madras Presidency), port-dues in,...	XII	45 & sch. I, pt. III
Cancellation of order of exemption from port-due... ...	XII	46
of order of exemption from customs duty ...	XVI	6
of rules regarding advocates	XVII	84
of permission to export opium	XVI	9
Candles, import duty on, ...	XVI	sch. A, No. 6
Canes, import duty on, ...	XVI	sch. A, No 7
Cannanore (western group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
Canning, see *Port canning.*		
Capital sentence, see *Death.*		
Cargo, port-due on vessel not discharging or taking in, ...	XII	57
power to make rules for taking or discharging of, ...	"	7, cl. (*e*)
Cargo-boats, power to license and regulate, ...	XII	7, cl. (*k*)
Carriages and component parts thereof, import duty on, ...	XVI	sch. A, No. 8
Caste, decision of questions regarding, ...	XVII	4
Catamarans, power to license and regulate, ...	XII	7, cl. (*k*)
Cattle for agricultural purposes exempt from attachment ...	XX	7
Causes of challenge, what, admissible	X	47
Cements, import duty on, ...	XVI	sch. A, No. 4
Central provinces, enactments in force in, ...	XX	3 & sch.
confirmation of existing Acts extending or extendible to, ...	"	4

	Act.	Sec.
CENTRAL PROVINCES LAWS' ACT	XX	
Acts, regulations and rules repealed by, ...	"	2
CENTRAL PROVINCES GAZETTE, see *Gazette*.		
CERTIFICATE (s) suspension or cancellation of, granted by local government	IV	18
re-issue of, ...	"	18, 22
delivery of, cancelled or suspended ...	"	19
effect of, of officer appointed to inspect lunatic	X	122
of inspector-general or visitors receivable in evidence	"	127
of collector at one port *primâ facie* proof at another	XII	54, 55
form of, of grant of probate	XIII X of 1865	3 242 A
certain provisions of court fees act applicable to, under Acts XL of 1858 and XX of 1864	XIII VII of 1870	6 19 H
CERTIFICATE OF BOARD OF TRADE, investigation of charges against holder of, ...	IV	5
grounds of charge against holder of, ...	"	6, 7, 9
holder of, to have opportunity for defence ...	"	10
cancellation or suspension of, ...	"	12
conditions precedent to cancellation or suspension of, ...	IV	14
provisions relating to, applicable to local certificate	"	17
See *Fees*.		
CERTIFIED COPY of reasons of refusal to draw up statement ...	XVII	29
CHAIN MOORINGS, power to regulate use of, ...	XII	7, cl. (*i*)
CHALLENGE (s), peremptory and on cause shown	X	47
trial of, ...	"	48
CHANCELLOR, consent of, to conferring of honorary degree ...	XXI	
CHÁNUA (Cuttack ports, Lower Provinces), port-dues in, ...	XII	45 & sch. I, pt. II
CHARGE (s), powers of high court as to amending and drawing up,	X	7, 8
application for and amendment of, ...	"	9, 10
to be recorded	"	13
effect of entry on unsustainable, ...	"	14
recall of witnesses after amendment of, ...	"	15
previous sanction, if charge as amended require it...	"	16
separate, for each distinct offence	"	17
in case of more than one offence	"	19, cl. 1
in case of one offence falling within two or more definitions	"	19, cl. 2
in case of acts severally constituting more than one offence, but collectively coming within one definition	"	19, cl. 3
where it is doubtful what offence has been committed	"	20
when offence proved included in, ...	"	22
of two or more persons jointly	"	23
to be read and explained to accused	"	28
to jury	"	90

	Act.	Sec.
CHARGE (s),—(*contd.*)		
effect of withdrawal, after conviction, of remaining,	X	102
effect of, preferred by advocate general ..	"	145
port fund account to show detail of, ...	XII	47
of offences under section 11 of Inland Customs Act	VIII	13
CHEMICAL EXAMINER, report of, ...	X	72
CHEMICAL PRODUCTS and preparations, import duty on, ...	XVI	sch. A, No. 9
CHENDYA (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
"CHIEF COMMISSIONER" (*British Burma*), defined	XVII	3
may vary local limits of courts' jurisdiction	"	9
may confer special jurisdiction ...	"	13
may invest certain courts with small cause jurisdiction	"	14
may extend amount of small cause jurisdiction	"	15
may confer concurrent jurisdiction ...	"	16
powers of deputy commissioner's court	"	17
may prescribe language of plaints and record of evidence	"	20
may transfer civil appellate jurisdiction of commissioner	"	23
may transfer criminal jurisdiction of commissioner	"	36
may appoint and remove extra assistant commissioner of 3rd class ...	"	38
powers of, as to suspension and removal of certain officers...	"	39
general control of, over appointment and removal of ministerial officers ...	"	43
may fix place of holding court of recorder of Rangoon	"	45
to arrange for discharge of duties of recorder in case of vacancy ...	"	46
may vary local limits of civil jurisdiction of recorder	"	47
may direct transfer to recorder's court ...	"	58
sanction of, to appointment of official assignee	"	66
to rules relating to proceedings in insolvency	"	66
to rules of practice prescribed by recorder .	"	67
to rules for service and execution of process .	"	68
to prescribe registers, &c., to be kept by recorder	"	69
removal of certain ministerial officers subject to orders of, ...	"	70, 74
sanction of, to holidays and vacations in recorder's court	"	71
may appoint place of sittings of special court	"	73
may transfer case to special court ..	"	77
may exempt certain courts from provisions of procedure codes on certain subjects ...	"	91

	Act.	Sec.
CHIEF COMMISSIONER (*Central Provinces*), may make subsidiary rules	XX	8
may attach penalties to breach of rules ..	"	9
CHIEF CONTROLLING REVENUE AUTHORITY may grant relief in case of excessive probate fee	XIII VII of 1870	6 19 *(a)*, *(b)*
powers of, where too low probate fee paid ...	XIII VII of 1870	6 19 *(e)*
CHIEF COURT OF PANJÁB, appeal from decrees of, ...	XIX	1
may remand or order new trial	"	5
may refer points of law	"	6
"CHIEF JUSTICE" defined	X	3
to appoint time of holding criminal sitting, ..	"	4
to direct issue of notice of sittings	"	5
CHINA, import duty on, ...	XVI	sch. A, No. 19
clay, import duty on, ...	"	sch. A, No. 19
CHINESE-WARE, import duty on, ...	XVI	sch. A, No. 10
CHITTAGONG (Lower Provinces), port-dues in, ...	XII	45 & sch. I, pt. II
CHÚRÁMAN (Cuttack ports, Lower Provinces), port-dues in, ..	XII	45 & sch. I, pt. II
CIVIL APPEAL, see *Appeal*.		
CIVIL JURISDICTION of courts in British Burma	XVII	12
CIVIL PROCEDURE, see *Code of civil procedure*.		
CIVIL SUIT, having, against persons concerned, an objection to juror	X	54
See *Suit*.		
CLAIM, procedure on, to be tried	X	30
Native charged with European British subject may, separate trial	"	37
CLEARANCE, see *Port-clearance*.		
"CLERK OF THE CROWN" defined	X	3
powers as to amending and drawing charges	"	7, 8
to prepare lists of jurors	"	43
CLOCKS, import duty on, ...	XVI	sch. A, No. 11
COCHIN (western group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
duty on pepper exported from, ...	XVI	8
COCONADA (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
CODE OF CIVIL PROCEDURE to apply to proceedings in admiralty	XVII	65
rules of practice and forms to be consistent with, ...	"	67
applied to Burma	"	97
CODE OF CRIMINAL PROCEDURE, rules of section 384 of, to apply to entry and search of zanánás ...	VIII	19
charges to be drawn with due regard to, ..	X	7
jurors in mofussil to be summoned according to, ...	"	50
not to interfere with service of military jurors	"	51
to apply to formation of juries in mofussil	"	52
to apply in trials of European British subjects	XVII	63

	Act.	Sec.
CODE OF CRIMINAL PROCEDURE,—(*contd.*)		
sections 303-305, applied in mofussil ...	X	104
sections 311-313 to apply to sentences of whipping	"	108
rules of practice and forms to be consistent with, ...	XVII	67
COIR, import duty on, ...	XVI	sch. A, No. 12
COLLECTION(s) of port-dues	XII	18
of local taxation on account of police, rules for, ...	XV IV of 1872	2 39A, cl. (*k*)
indemnity for certain police, ...	XV IV of 1872	2 39G
"COLLECTOR" defined	VIII	3
powers of, as to confiscated articles	"	14
procedure of, in respect of article seized ...	"	22
how to proceed on information of arrest ...	"	24
local government may invest person with powers of,	"	31
COLLECTOR OF CUSTOMS may board vessel in execution of duty ...	XII	16
may seize prohibited gunpowder ...	"	34
to grant vouchers for port-dues paid ...	"	48
may distrain vessel, &c., in default of payment of port-dues	"	52
of one port may recover dues payable at another	"	54
in absence of rules, to decide as to methylated spirits . ..	XVI	7
to pay to governments of Travancore and Cochin duty collected on export of pepper from Cochin	"	8
COLOURING MATERIALS, import duty on, ...	XVI	sch. A, No. 18
export duty on, ...	"	sch. B, No. 1
COLOURS, import duty on, ...	XVI	sch. A, No. 41
COMBUSTIBLE MATTER, penalty for boiling or heating, within prohibited limits...	XII	24
COMMANDING OFFICER to sanction summoning of military jurors	X	51
to submit list of military officers liable to serve as jurors	XVII	63
COMMENCEMENT of Distress Act	I	1
of Indian Merchant Shipping Act	IV	1
of Burma Fisheries Act	VII	1
of Inland Customs Act...	VIII	1
of Indian Majority Act	IX	1
of High Courts' Criminal Procedure Act ...	X	1
of Madras Salt Act	XI	1
of operation of order levying port-dues ...	XII	45, 59
of Pánjab Judicial Administration Act ..	XIV	1
of Pánjab Laws Amendment Act	XV	1
of Indian Tariff Act	XVI	1
of Burma Courts Act	XVII	1
of Indian Law Reports Act	XVIII	1
of Central Provinces Laws Act	XX	1
COMMISSION(s), appointment of, to enquire into state of mind of lunatic prisoner	X	128
recorder of Rangoon may issue, in jails ...	XVII XV of 1869	93 7

	Act.	Sec.
COMMISSIONER, control over courts of deputy commissioners vested in, ...	XVII	11
time for presenting appeals to, ...	"	22
criminal jurisdiction of, ...	"	35
civil jurisdiction of court of, ...	"	12
transfer of civil appellate jurisdiction of, ..	"	23
criminal jurisdiction of, ...	"	36
may be appointed to discharge duties of recorder during vacancy	"	46
COMMISSIONER OF DIVISION, powers of, as to confiscated articles	VIII	14
collector when to report to, seizure of salt or sugar	"	22
COMMITMENT(s) what irregular, may be validated	X	25
of person accepting tender of pardon ...	"	78
to custody of person convicted	"	103
COMMON FUND in port unions	XII	47
COMPANY, see *Corporation.*		
COMPENSATION, court may order payment of fine in, ...	X	106
payment of, for obstructions lawfully made ...	XII	13
for damages under distress warrant ...	I	15
COMPLAINANT, expenses of, ...	X	116
COMPLAINT, what to be deemed a, ...	X	134 Exp.
COMPOSITIONS for application to leather and metals, import duty on,	XVI	sch. A, No. 41
COMPOUNDING offences	X	151
COMPUTATION of age of majority	IX	4
of period of limitation	XIX	4
CONCURRENT JURISDICTION, see *Jurisdiction.*		
CONDITIONS of delivery of lunatic prisoner to relative or friend ...	X	129
of levy of port-dues	XII	45
of validity of certain rules ...	XV IV of 1872	3 50 A
CONFIRMATION of existing courts and officers	XVII	7
of decision of lower court	"	24
of sentence of death	"	60
of sentence of death on European British subject	"	64
of existing rules for service and execution of process	"	68
of Acts extending or extendible to the Central Provinces	XX	4
CONFISCATION of salt works unlawfully constructed ...	VIII	11
of articles in respect of which offence committed...	"	14
of prohibited gunpowder	XII	34
See *Forfeiture.*		
CONSENT to throwing ballast in port by whom to be given ...	XII	75
CONSERVANCY, rules for, at public places	XX	8
CONSERVATOR, appointed and *ex-officio*	XII	8
may give directions for carrying port-rule into effect	"	9
may cut warp, &c., endangering safety of vessel...	"	10
may remove timber, &c., impeding navigation or obstructing pier or jetty	"	11
may sell timber removed on account of obstruction	"	12
to superintend clearing of vessel fouling mooring...	"	14
may raise wreck impeding navigation ...	"	15

	Act.	Sec.
CONSERVATOR,—(*contd.*)		
may board vessel in discharge of duty ..	XII	16
may require crews to assist in extinguishing fires ...	"	17
powers of, may be exercised by Harbour Master,	"	18
may seize prohibited gunpowder	"	31
may ascertain draught of vessel not marked ...	"	50
powers of, as to ascertainment of tonnage of vessels	"	51
may seize flag unlawfully hoisted	"	73
CONSOLIDATED CUSTOMS ACT, amendment of sections 27, 57, 66, and 180 of, ...	XVI	12
CONSTITUTION of special court	XVII	72
CONSTRUCTION of document, reference of question concerning, ...	XVII	25, 29, 54, 80
of Act, ...	XIX	8
CONTEMPT OF COURT, witness refusing to answer or produce document guilty of, ...	X	89
of the lawful authority of public servants, prosecutions for, ...	"	133
procedure in cases of, ...	"	135
CONTROL over village watchmen, rules relating to, ...	XV IV of 1872	2 39 A, cl. (*d*),
CONVICT, see *Escaped convict.*		
CONVICTION of one offence when charged with another ..	X	21
of offence proved when included in offence charged	"	22
on plea of guilty	"	29
of non-bailable offence, a cause of challenge to juror	"	47
of certain offences an objection to juror ...	"	54
simultaneous, of several offences	"	109
previous, to be set out in charge	"	118
proof of previous, ...	"	119
power of High Court to quash, ...	"	147
to be quashed on merits only	XII	72
COOMTA (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. (*j*), pt. IV
COPPERAS, green, import duty on, ...	XVI	sch. A, No. 9
COPY, see *Certified copy.*		
CORAL, real, import duty on, ...	XVI	sch. A, No. 13
false, import-duty on, ...	"	sch. A, No. 23
CORDAGE, import duty on, ...	"	sch. A, No. 14
CRINGA (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
CORK, import duty on, ...	XVI	sch. A, No. 15
CORPORATION, jurisdiction in cases by or against company or, ...	XVII	48
COSTS of distress	I	19 & sch. I
application of, ...	"	19
account of, ...	"	20
of attachment of property of witness absconding ...	X	83
of buoys, &c., to be charged to port fund account ...	XII	47
of distress and sale of vessels, &c.	"	52
of conviction, assessment and recovery of, ...	"	67
of distress for recovery of fine, &c.	"	69
of determining dispute as to amount to be levied ...	"	70
of reference to judicial commissioner	XVII	26
of drawing up statement and application to appeal ...	"	29

	Act.	Sec.
COSTS,—(*contd.*)		
of reference to high court	XVII	32, 57, 82
rules for the levy of, ...	"	67
control and taxation of, rules as to, ...	"	90
of assessor appointed at desire of suitor	"	92
COTTON, import duty on, ...	XVI	sch. A, No. 16
CREW(s), power to regulate number of, of vessels in port ...	XII	7, cl. (*n.*)
power to require, to prevent or extinguish fire ...	"	17
CRIMINAL FORCE, dispossession by, of immoveable property ...	X	142
CRIMINAL JURISDICTION, see *Jurisdiction.*		
CRIMINAL PROCEDURE, see *High courts criminal procedure.*		
CRIMINAL PROSECUTION, having complained against or being accused by persons concerned in, an objection to juror	X	54
COURT(s), what, to investigate charges against masters of ships, &c.	IV	5
may appoint assessor to assist investigation ...	"	5
powers of special court of enquiry, ...	"	10
to report conclusions to local government	"	11
where to state decision	"	12
may arrest witnesses and detain vessel	"	15
may commit for trial	"	16
not bound to hear unauthorized report	XVIII	3
See *High court, Presiding officer, Special court.*		
COURTS IN BRITISH BURMA, grades of civil, ...	XVII	6
existing, confirmation of, ...	"	7
general superintendence over, ...	"	11
civil jurisdiction of, ...	"	12
See *Assistant commissioner, Commissioner, Deputy commissioner, Extra assistant commissioner, Judicial commissioner, Judge of the town of Maulmain, Recorder of Rangoon, Special court.*		
COURT OF ENQUIRY, see *Special court.*		
COURT OF JUSTICE, age of majority of minors under guardianship of, ...	IX	3
COURT OF RECORDER OF RANGOON to continue	XVII	45
place of holding, ..	"	45
COURT OF SESSION to summon jurors when high court sits in mofussil	X	50
"COURT(s) OF SMALL CAUSES" defined	I	3
saving of jurisdiction of, ...	XVII	12
procedure and jurisdiction of, in British Burma	"	14
extension of jurisdiction of, ...	"	15
recorder may exercise powers of high court in respect of, ...	"	52
power to invest person with powers of, without limit of time ...	"	94
COURT OF WARDS, age of majority of minors under, ...	IX	3
(Central Provinces) saving of jurisdiction of, ...	XX	2
COURT-FEE, for probate to correspond to entire value of property	XIII X of 1865	5 277 A
relief where too high, has been paid	XIII VII of 1870	6 19 A, B

	Act.	Sec.
COURT-FEE,—(*contd.*)		
probate valid for trust-property, though not covered by, ...	XIII VII of 1870	6 19 D
provision where too low, has been paid ...	XIII VII of 1870	6 19 E
See *Penalty*.		
COURT-FEES ACT, 1870, amendment of,...	XIII	
application of, to certain petitions to judicial commissioner ...	XVII	37
special court in Burma to be deemed high court for purposes of, ...	"	83
COURT-HOUSE, list of jurors to be affixed to, ...	X	44
COWRIES, import duty on, ...	XVI	sch. A, No. 51
CROWN, number of peremptory challenges allowed to, ...	X	47
CUDDALORE (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
CUSTODY pending direction as to place of trial	X	26
of European British subjects pending trial ...	"	27
of person accepting pardon	"	77
of accused when of unsound mind	"	121
of records, see *Records*.		
CUSTOM inconsistent with law	XX	5
CUSTOMS DUTIES, see *Duties*.		
CUSTOM-HOUSE, rules and orders to be posted in, ...	XII	42
CUSTOM-HOUSE OFFICER may seize prohibited gunpowder ...	XII	34
CUSTOMS LINE, establishment of, ...	VIII	6
effect of establishment of, ...	"	7
regulation of traffic across, ...	"	7
saving of existing, ...	"	33
"CUSTOMS OFFICER(S)" defined	VIII	3
may detain suspected person and seize goods liable to confiscation	"	17
may arrest suspected person	"	18
to report arrest, seizure, or search ...	"	21
penalty on, for vexatious search, &c. ...	"	26
local government may invest any person with powers of, ...	"	21
Governor General in Council may make rules regulating appeals from, ...	"	29
CUSTOMS-ZONE, definition of, ...	VIII	6
CUTLERY, import duty on, ...	XVI	sch. A, No. 25
DÁHÁNU CREEK (northern group, Bombay Presidency), port-dues in,	XII	45 & sch. I, pt. IV
DAKILAS, see *Fees*.		
DAMAGE(S), government not answerable for, caused by defect of moorings, &c.	XII	19
no port-due on vessel re-entering on account of, ...	"	58
recovery of assessed, ...	"	68
DAMMER, penalty for boiling, within prohibited limits ...	XII	24
import duty on, ...	XVI	sch. A, No. 46
DANTIVRA (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV

	Act.	Sec.
DAVITS, power to make rules for taking in, of vessels in port ...	XII	7, cl. (c.)
DEATH, sentence of, see *Sentence of death.*		
DEBTS, property in, recoverable under certain informations ...	X	144
DECISION of appellate court, when final	XVII	28
of judge as to whether question is for himself or jury	X	91
See *Judicial decision, Rule of decision.*		
DECLARATION as to quantity of gunpowder on board ...	XII	30
DEFENCE, permission of court necessary to employment of non-professional person to assist in, ...	X	31
when to be stated	"	62
procedure where lunatic prisoner reported capable of making, ...	"	128
DEGREES, see *Honorary degrees.*		
DEHEGÁM (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
DEHEJ (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
DEPARTURE of vessel without payment of dues	XII	55
DEPOSIT of money or government promissory notes as bail ...	X	139
place of, of gunpowder	XII	28
of subsistence money for detention of foreign deserter ...	"	74
DEPOSITION before court of enquiry, when admissible ...	IV	16
accused entitled to copy of, ...	X	13
to supply want of jurisdiction	XII	72
DEPUTY COMMISSIONER, powers of, repeal of Panjáb Courts' Act so far as it relates to, ...	XIV	2
powers of, local government may confer,	"	3
may fix rate of local taxation ...	XV IV of 1872	2 39 E
superintendence over certain courts vested in, ...	XVII	11
powers of court of, ...	"	12, 17
power of, to direct business of subordinate courts	"	20
power of, as to appointment of ministerial officers	"	40
power of, as to fining, removing or suspending ministerial officers ...	"	41
judge of Maulmain to be deemed a, ...	"	96
DESERTERS from foreign vessels	XII	74
DESTRUCTION of things seized, see *Disposal.*		
DESTRUCTION OF RECORDS, see *Records.*		
DETENTION of witnesses, period of, ...	IV	15
of foreign deserter until sailing of vessel ...	XII	74
DETERMINATION of disputes regarding expense of raising wreck and salvage	XII	76
DEVGARH (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
DHÁMRA (Cuttack port, Lower Provinces), port-dues in, ...	XII	45 & sch. I, pt. II
DIFFERENCE OF OPINION, rule in case of, in special court ...	XVII	76, 80
in chief court of Panjáb ...	XIX	1, 7
DISCHARGE of guns, &c., in port	XII	35
of jury, conditions necessitating, ...	X	98, 99

	Act.	Sec.
DISCIPLINE of village watchmen, rules to regulate, ...	XV IV of 1872	2 39 A, cl. (*d*)
DISMISSAL, pilot liable to, for disobedience to provisions regarding hoisting number of vessel	XII	65
of village watchmen, rules to regulate, ...	XV IV of 1872	2 30 A, cl. (*c*)
DISPOSAL, power to make rules regulating, of things seized ...	VIII	27
of property regarding which offence committed ...	X	115
of proceeds of wrecked property	XII	44
DISPUTE, procedure in case of, concerning amount leviable by distress	XII	70
regarding expense of raising wreck and salvage, determination of, ...	"	76
DISTRESS, of property attached in default of appearance of accused	X	137
on forfeiture of recognizance of surety	"	138
of vessel, &c., in default of payment of port-dues ...	XII	52
levy of penalties by, of vessel	"	66
See *Signal of distress.*		
DISTRESS ACT, 1875	I	
local limits of, ...	"	1
does not apply to rent due to government, nor to arrears of more than twelve months ...	"	1
DISTRESS WARRANT, application for, ...	I	6
form of, ...	"	7 & sch. I
time of execution of, ...	"	8
mode of executing, ...	"	9
property which may be seized under, ...	"	10
discharge or suspension of, ...	"	13
transfer to high court of, above Rs. 1,000 ...	"	16
appraisement of, ...	"	17
costs of, ...	"	19 & sch. I
no, except under Act	"	21
DISTRICT JUDGE, recorder of Rangoon to exercise powers of, ...	XVII	51
DIVORCE, Indian Majority Act not to affect questions of, ...	IX	2
See Indian divorce act.		
DOCK, power to remove things obstructing, ...	XII	11
DOCUMENT(S), summons for production of, ...	X	86
when court may issue warrant for search of, ...	"	87
court may impound, ...	"	88
judge to decide construction of, ...	"	91
See Exhibits, Construction of document, Petitions.		
DOMICILE, see *British India.*		
DOWER, Indian Majority Act not to affect questions of, ...	IX	2
rule of decision in questions regarding, ...	XX	5
DRAUGHT OF VESSEL may be ascertained	XII	50
DRAWING INSTRUMENTS, import duty on, ...	XVI	sch. A, No. 28
DRUGS, import duty on, ...	XVI	sch. A, No. 17
DUES, see *Port-dues.*		
DUTY(IES), rates of, on imported salt	VIII	5
on exported sugar	"	5
levy of, by mileage rate on salt imported	"	8
power to regulate collection of.	"	9
rate of, on manufacture of salt	"	10
penalty for evading payment of, ...	"	11

	Act.	Sec.
DUTY(IES),—(*contd.*)		
power to levy additional, as penalty	VIII	15
detention of article subject to additional, ...	"	23
saving of existing, on salt and sugar	"	32
of judge	X	91
of jury	"	93
maximum, on salt for any local area	XI	2
import, on certain articles	XVI	4 & sch. A
export, on certain articles	"	4 & sch. B
on goods partially composed of dutiable articles ...	"	5
on goods crossing frontiers of foreign European settlements	"	10
of excise leviable on Indian spirit	"	11
See *Additional duty.*		
DYEING MATERIALS, import duty on, ...	XVI	sch. A, No. 81
export duty on, ...	"	sch. B, No. 1
EARTHENWARE (except piping), import duty on, ...	XVI	sch. A, No. 19
EARTHENWARE PIPING, import duty on, ...	XVI	sch. A, No. 4
EFFECT of order of recorder in insolvency cases	XVII	66
of decree of special court	"	78
EMPLOYMENT, being in, of parties concerned an objection to juror	X	54
ENACTMENTS in force in Central Provinces	XX	3 & sch.
See *Repeal of enactments.*		
ENGINEERING MATERIALS, import duty on, ...	XVI	sch. A, No. 4
ENGINEERS of ships, trial of, on charges of incompetency, &c. ...	IV	5
ENGLISH, inability to understand, a cause of challenge to juror ...	X	47
EQUIPMENT of village watchmen, rules to regulate, ...	XV IV of 1872	2 39 A, cl. (*d*)
EQUITY, see *Justice, equity, and good conscience.*		
ERROR, effect of, in charge	X	24
of form or procedure not to quash conviction ...	XII	72
ESCAPED CONVICT, currency of sentence on, ...	X	110
ESTABLISHMENT of port, expenses of, ...	XII	47
"EUROPEAN BRITISH SUBJECT (S)" defined	X	3
custody of, pending trial ...	"	27
may claim to be tried by mixed jury	"	35
trial of, and natives jointly ...	"	36
native charged with, may claim separate trial ...	"	37
summoning of juries for trial of, ...	"	51
formation of juries for trial of, ...	"	52
jurisdiction of recorder of Rangoon as to, ...	XVII	62
EVASION of payment of port-due	XII	55
EVIDENCE, witnesses before Court of Inquiry may be bound over to give, ...	IV	16
deposition when admissible as, ...	"	16
juror to understand language in which evidence given or interpreted	X	57
examination of accused to be given in, ...	"	60

	Act.	Sec.
EVIDENCE,—(*contd.*)		
mode of taking, ...	X	68
of jurors	"	69
of medical witness	"	71
of chemical examiner	"	72
when, may be recorded in absence of accused ...	"	74
given at preliminary inquiry	"	75
mode of taking, of witness under commission ...	"	76
statement made under pardon may be put in, ...	"	78
summing up of, ...	"	90
judge to decide on admissibility of, ...	"	91
certificate of collector at one port *primâ facie*, at another	XII	54, 55
language of record of, ...	XVII	20
power to make rules for taking down, ...	"	91
EXAMINATION of masters, provisions as to, not to apply to ships navigated by Asiatic seamen	IV	29
Calcutta university may grant honorary degrees without, ...	XXI	
EXEMPTION of special jurors from service as common jurors ...	X	41
of government servant from service as juror ...	"	42
of vessels from port-due	XII	46
of certain steamers from liability to report arrival ...	"	49
in Madras, of certain vessels from port-due ...	"	57
from port-due of vessels re-entering from stress of weather	"	58
of certain vessels from hospital port-dues ...	XII	59
from customs duty, power of, ...	XVI	6
of military officer from service on jury ...	XVII	63
from stamp-duty of conveyance, &c.	"	66
See *Cancellation of exemption.*		
EXCISE DUTY on Indian spirit	XVI	11
EXECUTION of decree to be stayed on reference to high court ...	XVII	55
of process, rules for, ...	"	68, 74
EXECUTOR, penalty on, not paying full court-fee	XIII VII of 1870	6 19 G
EXHIBITS, accused entitled to copies of, ...	X	13
EX-OFFICIO, judge of high court to be, justice of the peace ...	X	152
conservator	XII	8
EXPENSE (s) of removal of unlawful obstruction or engine ...	VII	7
of village watchmen, mode of providing for, ...	XV IV of 1872	2 39 A, cl. (*j*)
of complainant and witnesses	X	116
recovery of, incurred by disobedience to conservator's orders	XII	9
of removal of obstructions to navigation, &c. ...	"	11
recovery of, of removal of obstruction, &c. ...	"	12
of clearing vessel from buoy or moorings ...	"	14
recovery of, of raising wreck	"	15
payment of, of repairing injury done to bank or shore	"	41
of establishment, &c., to be charged to port-fund account	"	47
of operation of hooking	"	50
of ascertaining measurement of vessel	"	51

	Act.	Sec.
EXPENSE (s)—(*contd*)		
no port-clearance until payment of all, ...	XII	53
recovery of, ...	"	68
, in ports to which sections 11 and 22 are extended	"	75
EXPLANATION of "seaman"	IV	26
of admissibility of evidence of absent witness ...	X	75
of degree of severity of sentences	"	110
of "property"	"	115
of "complaint" in prosecutions for contempt ...	"	134
of "high-water-mark"	XII	5
of "inflammable oil"	"	37
EXPORT of pepper from Cochin, duty on, ...	XVI	8
of opium, conditions of, ...	"	9
EXPORT DUTIES of customs on certain articles	XVI	4 & sch. B
EXPORTATION, except in case of prohibition, Act not to affect, of sugar	VIII	28
EXTENSION of time for relief from excessive probate fee ...	XIII VII of 1870	6 19 B
EXTENT of Act	I	1
	IV	1
	VII	1
	VIII	1
	IX	1
	X	1
	XI	1
	XII	2
	XIV	1
	XV	1
	XVI	1
	XVII	1
	XVIII	1
	XX	1
EXTRA ASSISTANT COMMISSIONER, powers of, ...	XVII	12, 13
of 3rd class, appointment and removal of, ...	"	38
FACT(s), jury to decide true view of, ...	X	93
FALSE information, punishment for giving, ...	VIII	26
FALSE CORALS, import duty on, ...	XVI	sch. A, No. 23
FALSE PEARLS, import duty on, ...	XVI	sch. A, No. 23
FAMILY RELATIONS, rule of decision in questions regarding, ...	XX	5
FASTENING, power to make rules as to, of vessels	XII	7, cl. (*g*)
FAVOUR, circumstances showing, to persons concerned, an objection to juror	X	54
FEE (s), recovery of, ...	VII	5
for licenses for manufacture and refining of salt and saltpetre	VIII	10
governor-general in council may regulate, for licenses, &c.	"	29
for pilotage, &c.	XII	61
for reference and appeal	XVII	29
on certain petitions to judicial commissioner ...	"	37
table of, for service and execution of process ...	"	68, 71
of advocate liable to taxation	"	89
rules as to, of practitioners	"	90

See *Court-fee, Port-dues.*

	Act.	Sec.
FEMALES, see *Special property of females.*		
FERRY-STEAMERS exempted from liability to report arrival ...	XII	49
FINALITY of decision on trial of challenge to juror	X	48, 55
FINDING in case of acquittal on ground of being lunatic ...	X	124
FINE (s), recovery of, from sale of attached property of witness ...	X	83
mode of levy of, ...	"	105
imprisonment in default of payment of, ...	"	107
property in, leviable under certain informations	"	144
for injuring bank or shore	XII	41
to be credited to port fund account	"	47
on owner or master not producing register or stating true tonnage	"	51
for not hoisting number of vessel	"	63
for hoisting unlawful colours	"	73
for contravening rules as to methylated spirits ...	XVI	7
on ministerial officers	XVII	41, 42, 70
on unlicensed person appearing as advocate	"	86
See *Penalty.*		
FIRE(s), power to regulate use of, in port	XII	7, cl. (*l*)
power to require crews to assist in extinguishing, ...	"	17
penalty for omitting to take order to extinguish, ...	"	36
power to make rules for prevention of, ...	"	37
certain vessels to be provided with appurtenances for extinguishing, ...	"	39
FIRE-ARMS and parts thereof, import duty on, ...	XVI	sch. A, No. 2
discharge of, ...	XII	35
FIREWORKS, import duty on, ...	XVI	sch. A, No. 20
"FISH" defined	VII	2
See *Salted fish.*		
"TO FISH" defined	VII	2
FISHERY(IES), Act to regulate, in British Burma	VII	
defined	"	2
right of, ...	"	3
disposal of right of, ...	"	4
recovery of rents for, ...	"	5
penalty for certain unlawful acts in relation to, ...	"	7
"FIXED ENGINE" defined	VII	2
penalty for unlawfully erecting, ...	"	7
FLAX, import duty on, ...	XVI	sch. A, No. 21
FLOOR-CLOTH, import duty on, ...	XVI	sch. A, No. 39
FORCE OF LAW, rules having—		
regulating fisheries in Burma	VII	10
regulating certain matters relating to Inland Customs	VIII	30
as to methylated spirits	XVI	7
relating to proceedings in insolvency	XVII	66
for service and execution of process, and regulation of fees	"	68
relating to the special court in Burma ...	"	74
subsidiary rules in Central Provinces	XX	10
FORCE PUMP, certain vessels to be provided with, ...	XII	39
FOREIGN DESERTER, warrant for arrest of, ...	XII	74
FOREIGN EUROPEAN SETTLEMENTS, duties on goods crossing, ...	XVI	10
FORFEITURE of unlawful obstruction or engine	VII	7
of penalty deposited and amount refundable ...	VIII	23

	Act.	Sec.
FORFEITURE—(*contd.*)		
property in, recoverable under certain informations	X	144
of prohibited gunpowder ...	XII	34
FOREMAN of jury, appointment of, ...	X	58
to state verdict of jury	"	94
See *Jurors, Jury.*		
FORM(S) of conviction	XII	72
power to prescribe, of proceedings ..	XVII	67
FORT ST. GEORGE, amendment of the law relating to salt in the presidency of, ...	XI	
See *Governor general in council, Local area, Local government, Salt.*		
FRIEND, see *Relative.*		
FRUITS, import duty on, ...	XVI	sch. A, No. 22
FULL BENCH to sit on reference to high court	XVII	56
hearing of appeals by, from decrees of Chief Court of Panjáb	XIX	1
FURNITURE, distress and sale of, of vessel...	XII	52
levy of penalty by sale of, ...	"	66
import duty on, ...	XVI	sch. A, No. 5
GAMES, requisites for, import duty on, ...	XVI	sch. A, No. 60
GANGAWLI (southern group, Bombay Presidency), port-dues in	XII	45 & sch. I, pt. IV
GANJAM (eastern group, Madras Presidency), port-dues in, ..	XII	45 & sch. I, pt. III
GAZETTE (*British Burma*), publication in, of list of holidays and vacations ...	XVII	44, 71
of rules relating to insolvency	"	66
of rules of practice made by recorder ...	"	67
of rules for service and execution of process	"	68
of rules and table of fees for special court	"	74
of rules relating to qualification, &c., of advocates . .	"	86
GAZETTE (*Central Provinces*), publication of rules in, ...	XX	10
GAZETTE (*official*), notice in local, of holding of criminal sittings	X	5
publication of lists of jurors in local, .	"	44
rules and orders of local government in, ...	XII	42
order for levy of port-dues in, .	"	45, 59
publication in, a condition of validity of certain rules	XV / IV of 1872	3 / 50A
of rules as to methylated spirits	XVI	7
notification in, of rate of excise duty on Indian spirits	"	11
GAZETTE OF INDIA, notification in, as to dutiable goods ...	XVI	6
as to permission for export of opium	"	9
GENERAL EXPRESSIONS, jury to decide applicability of, ...	X	93
GENUINENESS, court may presume, of signature of chemical examiner	X	72

	Act.	Sec.
GHOLWAD (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
GIFTS, rule of decision in questions regarding, ...	XX	5
GLASS, import duty on, ...	XVI	sch. A, No. 23
GLASS-WARE, import duty on, ...	XVI	sch. A, No. 23
GOGO (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
GOOD CONSCIENCE, see *Justice, equity and good conscience.*		
GOODS, customs duty where, composed of different articles ...	XVI	5
sale of dutiable, for non-payment of duty	VIII	9
GOPALPUR (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
GOVERNMENT, Distress Act, 1875, does not apply to rents due to, ...	I	1
meaning of, ...	X	132
not answerable for default of master attendant, &c.	XII	19
See *Local government.*		
GOVERNMENT OF INDIA, fines, &c., recoverable under certain informations to belong to, ...	X	144
empowered to invest persons with small cause powers without limit of time ...	XVII	94
GOVERNOR OF FORT ST. GEORGE IN COUNCIL to determine rate of duty on export of pepper from Cochin ...	XVI	8
GOVERNOR GENERAL IN COUNCIL to sanction form of agreements with seamen	IV	25
to sanction rules relating to Burma fisheries ...	VII	8
to sanction penalties for breach of such rules ...	"	9
may order levy of duties on import of salt and export of sugar	VIII	5
may define "customs zone" and establish "customs line"	"	6
may prohibit possession of salt within customs zone	"	7, cl. (*c.*)
may regulate traffic across customs line ...	"	7, cl. (*d.*)
may direct levy of salt-duty by mileage rate ...	"	8
may regulate collection of duties and import and export of dutiable goods	"	9
may regulate manufacture of salt and refining of saltpetre	"	10
may direct levy of additional duty as a penalty	"	15
may make rules to regulate seizures and disposal of things seized	"	27
may prohibit import, export, and transit of salt or sugar	"	28
may make rules regulating appeals, fees and other matters	"	29
may make rules as to investing persons with powers of collector and customs officer ...	"	31
may exempt government servant from service as juror	X	42
prosecution for certain offences to be by or under order of, ...	"	131, 132
to sanction certain informations	"	144
may impose duty on salt for any local area ...	XI	2
to sanction extension or withdrawal of Indian Ports Act	XII	5
to sanction maximum rate of port-due ...	"	45

	Act.	Sec.
GOVERNOR GENERAL IN COUNCIL—(*contd.*)		
to sanction fees for pilotage	XII	61
to sanction local taxation on account of general police	XV IV of 1872	2 39 C
to sanction certain rules	XV IV of 1872	3 50 A
may fix value of dutiable goods and exempt from customs duties	XVI	6
permission of, to export of opium ...	"	9
may vary number of courts	XVII	8
to sanction variation of local limits of jurisdiction	"	9
to appoint presiding officers of courts in Burma	"	38
may suspend and remove presiding officers of courts in Burma	"	39
to appoint recorder of Rangoon	"	45
to sanction variation of local limits of recorder's jurisdiction	"	47
to approve registers, &c., to be kept by recorder	"	69
authority of certain reports published under authority of, ...	XVIII	3
sanction of, to subsidiary rules in Central Provinces	XX	10
See *Government of India.*		
GRADES of courts in Burma	XVII	6
of village watchmen, rules for determination of, ...	XV IV of 1872	2 39A, cl. (*b*)
GRAIN, export duty on, ...	XVI	sch. B, No. 2
GRANTS of probate, relief in case of several, for same estate ...	XIII VII of 1870	6 19 C
GRAVEL, unauthorized removal of, ...	XII	41
GRAVING, penalty for, vessel within prohibited limits ...	XII	23
GROUNDS OF CHARGE against master of vessel, &c., to be communicated to court	IV	6
to be communicated to accused ...	"	7
procedure on discovery in course of investigation of, against master, &c. ...	"	9
GUARDIANSHIP, rule of decision in questions regarding, ...	XX	5
GUILTY, plea of, ...	X	29
GUM AND GUM RESINS, import duty on, ...	XVI	sch. A, No. 24
GUN, discharge of, in port	XII	35
"GUNPOWDER" defined	XII	4
power to regulate possession of, ...	"	7, cl. (*o*)
place of deposit of, ...	"	28
landing and shipping of, ...	"	29, 33
declaration as to quantity of, ...	"	30
officer receiving, to account for, deposited ..	"	31
notice to be given if, not landed	"	32
confiscation of prohibited, ...	"	34
import duty on, ...	XVI	sch. A, No. 2
HABEAS CORPUS, high court may issue directions in nature of, ...	X	148
HABERDASHERY, import duty on, ...	XVI	sch. A, No. 1
HARBOUR MASTER in charge of ship to report accidents ...	IV	3
when to be ex-officio conservator	XII	8
powers of conservator may be exercised by, ..	"	18
government not answerable for default of, ...	"	19

	Act.	Sec.
HARDWARE, import duty on, ...	XVI	sch. A, No. 25
HARNAI (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
HARNESS, import duty on, ...	XVI	sch. A, No. 31
HAULING, fee for, ...	XII	61
HAWSER (s), penalty for leaving out, after sunset	XII	27
power to fix rates for use of government, ...	"	7, cl. (*j*).
conservator may cut, endangering safety of vessel ...	"	10
HEADMAN of village, see *Village-headman.*		
HEMP, import duty on, ...	XVI	sch. A, No. 26
HIDES, import duty on, ...	XVI	sch. A, No. 27
"HIGH COURT," stay of suit in, on claim by stranger to property distrained	I	14
may transfer to itself certain distress suits ...	"	16
defined	X	3
time of holding criminal sittings of, ...	"	4
place of holding sittings of, ...	"	5
criminal cases triable by, to be tried under High Courts Criminal Procedure Act	"	6
powers of, as to amending and drawing up charge	"	7, 8
may amend charge	"	10
may proceed with trial, if amendment not likely to prejudice accused	"	11
when, may suspend trial, or order new trial ...	"	12
may remit payment for copies of depositions, &c.	"	13
may declare charge unsustainable	"	14
may validate certain irregular commitments ...	"	25
may direct place of intermediate custody of European British subject	"	27
saving of existing powers of, as to jurors ...	"	49
to try objection made to juror	"	55
may examine accused	"	61
may make rules as to locking up jury ...	"	65
may postpone and adjourn trials	"	66
may prescribe mode of taking evidence ...	"	68
may summon medical witness	"	71
may presume genuineness of signature of chemical examiner	"	72
may convict on admission after commencement of trial	"	73
when, may record evidence in absence of accused ..	"	74
may admit evidence given at preliminary inquiry ...	"	75
may issue commission for examination of witness ...	"	76
may direct tender of pardon	"	77
may summon witness at any stage	"	80
when, may issue warrant for arrest of witness in first instance	"	81
may order attachment of moveable property of absconding witness	"	82
powers of, as to attached property	"	83
may issue warrant for arrest of witness disobeying summons	"	84
may issue summons for production of documents...	"	86
when, may issue warrant for search of document ...	"	87
may impound document	"	88
to charge jury	"	90
duties of judge of, ...	"	91

	Act.	Sec.
HIGH COURT—(*contd.*)		
may ask questions necessary to ascertain verdict ...	X	95
conditions under which, may discharge jury ...	"	98, 99
powers of, where question of law has been reserved ..	"	101
may direct withdrawal, after conviction, of remaining charges	"	102
may award payment of compensation from fine ...	"	106
powers of, as to sentences on offenders already under sentence	"	111
may commit to reformatory youthful offenders sentenced to imprisonment	"	112
to postpone execution of capital sentence on pregnant woman	"	114
may make order for disposal of property regarding which offence committed	"	115
may order payment of expenses of complainant and witnesses	"	116
may try fact of unsoundness of mind	"	120
powers of, when accused of unsound mind ...	"	121, 123
may at any time resume trial of person of unsound mind	"	122
powers of, where accused does not understand proceedings	"	130
powers of, in cases of contempt	"	135
may admit to or reduce bail	"	136
procedure by, on forfeiture of recognizance ...	"	137, 138
may require recognizance and security for keeping the peace	"	140, 141
may restore possession of immoveable property ...	"	142
may transfer cases to itself and quash convictions ...	"	147
may issue directions in nature of *habeas corpus* ...	"	148
power of, to hear case with closed doors ...	"	150
judge of, to be ex-officio justice of the peace ...	"	152
granting probate to transmit certificate to other high courts	XIII X of 1865	3 242 A.
procedure of, on reference by judicial commissioner	XVII	31
judicial commissioner to have criminal powers of, ...	"	35
appeal to, from recorder of Rangoon ...	"	49, 65
recorder may exercise powers of, in respect of small cause court at Rangoon	"	52
procedure of, in respect of references by recorder of Rangoon	"	56, 57
court of recorder to be a, for transfer of cases ...	"	60
confirmation of sentence of death by, ...	"	64
special court to be deemed a, in certain criminal matters	"	79
procedure of, on reference from special court ...	"	82
special court to be deemed a, under Acts VII of 1870 and IX of 1871	"	83
authority of certain reports of cases decided by, ...	XVIII	3
HIGH COURTS' CRIMINAL PROCEDURE ACT, 1875	X	
provisions of, to apply to all criminal trials	"	6
HIGH-WATER-MARK, explanation of, ...	XII	5
HINDÚ LAW, application of, in certain cases	XVII XX	4 5
HOISTING unlawful colours in port	XII	73

	Act.	Sec.
HOLIDAY(s), register of wreck recovered not open to inspection on,	XII	43
list of, to be prepared	XVII	44, 71
HONÁWAR (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
HONORARY DEGREES, Calcutta university empowered to confer, ...	XXI	
HOOKING, draught of vessel may be ascertained by, ...	XII	50
fee for, ...	"	61
HOSE, certain vessels to be provided with, for extinguishing fire ...	XII	39
HOSPITAL, support of, from hospital port-dues	XII	60
HOSPITAL PORT-DUES, rate of, ...	XII	59
application of, ...	"	60
HUMAN CONSUMPTION, power to make rules as to rendering spirits unfit for, ...	XVI	7
HUSBANDRY, implements of, exempt from attachment ...	XX	7
IDIOT, procedure where accused is an, ...	X	130
ILLNESS of juror or prisoner a reason for discharge of jury ...	X	99
IMMOVEABLE PROPERTY, restoration of possession of, ...	X	142
IMPLEMENTS used in the consumption of tobacco, import duty on,	XVI	sch. A, No. 45
IMPORTATION of salt, Act not to affect, except in case of prohibition	VIII	28
IMPORT DUTIES of customs on certain articles	XVI	4 & sch. A
IMPOUNDING of property seized under distress	I	11
of documents, power of court as to, ...	X	88
IMPRISONMENT of juror on failure to pay fine	X	46, 107
maximum, in case of simultaneous conviction of several offences	"	109
place of, of youthful offenders ...	"	112
simple, in default of security for keeping the peace		140, 141
INDEMNITY for collection of certain police taxes	XV IV of 1872	2 39G
INDIAN ARMY, validation of enlistment of certain Native soldiers in, ...	V	
INDIAN DIVORCE ACT, recorder to exercise powers of district judge under, ...	XVII	51
INDIAN LAW REPORTS ACT, 1875	XVIII	
INDIAN LIMITATION ACT, 1871, application of, to certain appeals	XVII	37
special court to be deemed high court for purposes of, ...	"	83
INDIAN MAJORITY ACT, 1875, not to affect capacity to act in certain matters ...	IX	2
INDIAN MERCHANT SHIPPING ACT, 1875	IV	
INDIAN SPIRITS, excise duty on, ...	XVI	11
INDIAN PENAL CODE, provisions of, to apply to imprisonment in default of payment of fine	X	107
prosecutions under chapter VI of, ...	"	131
prosecutions under chapter X of, ..	"	133
INDIAN PORTS ACT, 1875	XII	
power to extend and withdraw the, ...	"	5
INDIAN SUCCESSION ACT, amendment of, ...	XIII	
INDIAN TARIFF ACT, 1875	XVI	
INDIGO, export duty on, ...	XVI	sch. A, No. 1
INFLAMMABLE OIL, power to make rules for prevention of fire from, ...	XII	37
defined	"	37 Exp.
INFORMATIONS, advocate general may exhibit certain, ...	X	144
INHERITANCE, decision of questions regarding, ...	XVII	4
rule of decision in cases of, ...	XX	5
INLAND CUSTOMS DUTIES ACT, 1875	VIII	

	Act.	Sec.
INQUIRY, see *Preliminary inquiry.*		
INSPECTION of register of wreck, &c.	XII	43
INSPECTOR GENERAL OF PRISONS to visit lunatic prisoners ...	X	126
certificate of, receivable in evidence	"	127
INSOLVENT JURISDICTION, see *Jurisdiction.*		
INSTRUMENTS, musical, drawing, measuring, optical, photographic, surveying and surgical, import duty on, ...	XVI	sch. A, No. 28
INTEREST to be charged on government advance	XII	47
INTERPRETATION of "*Court of small causes*"	I	3
of "*Fish,*" "*Fishery,*" "*To fish,*" *Fixed engine*"	VII	2
of "*Collector,*" "*Customs officer,*" "*Manufacture of salt,*" "*Saltpetre*" "*Sugar*" ...	VIII	3
of "*Advocate general,*" "*Chief justice,*" "*Clerk of the crown,*" "*European british subject,*" "*High court,*" "*Magistrate,*" "*Offence,*" "*Prosecutor*"	X	3
of "*Gunpowder,*" "*Magistrate,*" "*Master,*" "*Owner,*" "*Pilot,*" "*Port,*" "*Vessel*" ...	XII	4
of "*Chief commissioner,*" "*Judicial commissioner,*" "*High court*"	XVII	3
INTERPRETER bound to interpret truly	X	70
INTERROGATORIES for examination of witnesses under commission	X	76
INVENTORY of property seized under distress	I	12 & sch. I
accompanying petition for probate to include property in other provinces	XIII X of 1865	5 277A
INVESTMENT of balance of common fund	XII	47
IRONMONGERY, import duty on, ...	XVI	sch. A, No. 25
IVORY AND IVORY-WARE, import duty on, ...	XVI	sch. A, No. 29
JAIL, confinement in civil, of surety if penalty not recovered ...	X	138
JAILS in British Burma, jurisdiction in respect of, ...	XVII	93
JAMSETJEE JEJEEBHOY, BARONET, Act for securing repayment of loan to, ...	VI	
JAPANESE WARE, import duty on, ...	XVI	sch. A, No. 10
JAYGARH (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
JETTY, power to remove things obstructing, ...	XII	11
JEWELLERY, import duty on, ...	XVI	sch A, No. 30
JUDGE of high court to be ex-officio justice of the peace ...	X	152
of court of Maulmain, civil jurisdiction of, ...	XVII	12
of town of Maulmain, criminal jurisdiction of, ...	"	35
appeal from certain orders of, ...	XVII	75
See *High court.*		
JUDGMENT(S), power to make rules for recording, ...	XVII	91
judicial commissioner to send, to lower court ...	"	26,30,34
See *Review of judgment.*		
"JUDICIAL COMMISSIONER" defined	XVII	3
general superintendence over courts vested in, ...	XVII	11
civil jurisdiction of, ...	"	12
appeal to, from order passed by himself	"	19
to sanction rules for distribution of business	"	20
appeal to, from courts of original civil jurisdiction	"	21
reference to, in cases of doubt ...	"	25

	Act.	Sec.
JUDICIAL COMMISSIONER,—(*contd.*)		
when, may receive second appeal ...	XVII	27
reference to, on application of parties	"	29
to send ruling on reference to lower court	"	26, 30, 34
reference by, to high court ...	"	31
to dispose of costs on references to high court	"	32
may appoint assessors for trial of appeals and references ...	"	33
may call for record	"	34
criminal jurisdiction of,... ...	"	35
criminal jurisdiction of commissioner may be transferred to, ...	"	36
fee on certain petitions to, ...	"	37
to be removed only by governor general in council	"	39
to sanction appointment of certain ministerial officers	"	40
orders as to suspension, &c., of ministerial officers subject to review of, ...	"	41
to prepare list of holidays ...	"	44
may be appointed to discharge duties of recorder ...	"	46
appeal from certain orders of, ...	"	75
may seek assistance of special court...	"	76
case before, may be transferred to special court	"	77
may make rules regarding qualification, &c., of advocates	"	86
may make rules as to fees and costs ...	"	90
may make rules for recording judgments	"	91(*a*)
for taking down evidence	"	91(*b*)
for admission of affidavits... ...	"	91(*c*)
jurisdiction of, over jails... ...	"	93
JUDICIAL DECISION, authority of, ...	XVIII	4
JURISDICTION validation of certain commitments made without	X	25
limit of, as to orders of attachment	"	82
over offences beyond local limits of, ...	XII	71
variation of local limits of, ...	XVII	9
JURISDICTION (*admiralty*), of recorder of Rangoon	XVII	65
JURISDICTION (*civil*), of courts in British Burma	XVII	12
power to confer special, on certain courts	"	13
pecuniary, of courts of small causes ...	"	14
extension of pecuniary, of courts of small causes	"	15
power to invest courts with concurrent, ...	"	16
procedure when subject-matter is situate within, of different courts	"	18
power to transfer civil appellate, of commissioner	"	23
local limits of ordinary, of recorder ...	"	47
of recorder of Rangoon	"	48
of judicial commissioner in cases transferred by recorder	"	59

	Act.	Sec.
JURISDICTION (*criminal*), of certain courts in Burma ...	XVII	35
power to transfer, of commissioner ...	"	36
of recorder of Rangoon	"	60-64
JURISDICTION (*insolvent*), of recorder of Rangoon	XVII	66
See *Original criminal jurisdiction.*		
JUROR(S), majority of, in trials of European British subjects ...	X	35
number of, to be summoned	"	45
penalty on, for non-attendance	"	46
summoning of, ...	"	50
military, ...	"	51
objection to, ...	"	53
place of, objected to, how supplied	"	56
to understand language in which evidence given or interpreted	"	57
evidence of, ...	"	69
illness of, a reason for discharge of jury	"	99
liability of military officers to serve as, ...	XVII	63
See *Special jurors.*		
JURORS' BOOK, validation of existing, ...	X	39
JURY(IES), trial to be by, ...	X	32
number of, ...	"	33
same, may try several persons	"	34
for trial of European British subjects	"	35, 52
appointment of foreman of, ...	"	58
view by, ...	"	64
to attend at adjourned sittings	"	67
charge to, ...	"	90
may retire to consider verdict	"	92
duty of, ...	"	93
conditions necessary to verdict of, ...	"	97
circumstances necessitating discharge of, ...	"	98, 99
See *Special jury.*		
JUSTICE, equity and good conscience to be applied where other law not enjoined	XVII XX	4 6
JUSTICE OF THE PEACE, examination under commission by, of witness in native state ...	X	76
judge of high court to be ex-officio	"	152
KÁLAI (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KALLIAN (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KARÁCHI (Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KARANJA (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KARWAR including Baitkhol (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KELSI (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KELVA (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV

	Act.	Sec.
KEROSINE, included in inflammable oil	XII	37 Exp.
KHÁRI-NÚN, fee for license to manufacture	VIII	10
See *Salt.*		
KHUN (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KOLAK (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
KYOOK PHYOO (British Burma), port-dues in, ...	XII	45 & sch. I, pt. I
LAC, export duty on, ...	XVI	Sch. B, No. 3
LACQUERED WARE, import duty on, ...	XVI	Sch. A, No. 10
LAICHUNPUR (Cuttack ports, Lower Provinces), port-dues in, ..	XII	45 & sch. I, pt. II
LAND REVENUE (Central Provinces), saving of rules and laws relating to, ...	XX	2
LANDING of gunpowder, time and manner of, ...	XII	29
of inflammable oil, rules for regulation of,... ...	"	37
LANDING PLACE, power to remove things obstructing, ...	XII	11
LANGUAGE, juror must understand, in which evidence given or interpreted	X	57
of plaints	XVII	20
LAW to be administered in court of recorder of Rangoon ...	XVII	5
See *Question of law.*		
LAW REPORTS, see *Indian law reports, reports.*		
LAWS IN FORCE, no rules valid unless consistent with,... ...	XV IV of 1872	3 50 A
LEATHER, import duty on, ...	XVI	sch. A, No. 31
LEGACIES, rule of decision in questions regarding, ...	XX	5
LETTERS OF ADMINISTRATION, see *Probate.*		
LEVY OF COSTS, rules for, ...	XVII	67
LEVY OF DUTY of excise on Indian spirits, provisions in force to apply to, ...	XVI	11
LEVY OF FINE, see *Fine.*		
LEVY OF PENALTY, see *Penalties.*		
LEVY OF PORT-DUE, period of, ...	XII	45 & sch. I
See *Port-dues.*		
LICENSE (s), power to license advocates	XVII	84, 86
suspension, &c., of advocates	"	85, 86
fees for, for manufacture and refining of salt and saltpetre	VIII	10
See *Fees.*		
LIGHTS, cost of, to be charged to port fund account ...	XII	47
power to regulate use of, in port	"	7, cl. *(l)*
See *Artificial lights, Signal lights.*		

	Act.	Sec.
LIMITATION of charges under section 11 of Inland Customs Act	VIII	13
of period for refund of additional duty ...	"	23
of period of detention of foreign deserter ...	X	74
of claim to proceeds of wrecked property ...	XII	44
for application for relief from excessive probate fee	XIII / VII of 1870	6 / 19 A, B
of appeals to commissioner	XVII	22
application for reference and appeal	"	29
of certain appeals to judicial commissioner ...	"	37
in cases of new trial and review of judgment ...	"	53
of appeal from order suspending or dismissing advocate	"	85
of appeals from decrees of chief court of Panjáb ...	XIX	2
admission of appeal after expiry of period of, ...	"	3
computation of period of, ...	"	4
LIMITS, power to fix prohibitory, in respect of possession of gunpowder in port	XII	7, cl. *(o)*
of ports, what to include	"	5
may be altered	"	6
See *Prohibited limits.*		
LIQUORS, import duty on, ...	XVI	sch. A, No. 32
See *Spirits.*		
LIST (s) of common and special jurors	X	42
preparation of, to be in discretion of clerk of the crown	"	43
publication of, ...	"	44
LOAN to Sir Jamsetjee Jejeebhoy, Act for securing repayment of, ...	VI	
LOCAL AREA, power to impose duty on salt for any, ...	XI	2
power to fix for any, additional sum to cover cost, &c., of salt	"	3
price to be paid for salt in, how ascertained ..	"	5
See *Salt.*		
LOCAL EXTENT, see *Extent.*		
LOCAL GOVERNMENT, report of accident to ship to be made to,	IV	3
may appoint special court of enquiry ..	"	4
to communicate to court grounds of charge	"	6
may cancel or suspend certificate granted by itself	"	18
may re-issue certificate	"	18, 22
to report to government granting certificate	"	20
to report to board of trade	"	21, 22
may invest any person with powers of collector and customs officer	VIII	31
to direct place of custody of lunatic	X	121
may order person acquitted on ground of lunacy to be kept in custody ...	"	125
powers of, in respect of lunatic prisoner reported fit to be discharged	"	128

	Act.	Sec.
LOCAL GOVERNMENT—(*contd.*)		
may order delivery of lunatic prisoner to relative or friend	X	129
prosecutions for certain offences to be by, or under sanction of, ...	"	131, 132
previous sanction of, necessary to certain informations	"	144
to fix as part of price in any local area additional sum to cover cost, &c., of salt ...	XI	3
may vary such additional sum ...	"	4
may extend or withdraw Indian Ports Act	XII	5
may alter limits of ports	"	6
may make port-rules	"	7
to appoint conservator of port ..	"	8
to appoint place of deposit of gunpowder	"	28
to regulate landing and shipping of gunpowder	"	29, 33
may make rules for prevention of fire from inflammable oil	"	37
may declare maximum amount of port-dues and conditions thereof	"	45
may exempt vessels from, and vary rates of, port-dues	"	46
may form unions of ports ...	"	47
may impose hospital port-dues ...	"	59
may fix rates of fees for certain services ...	"	61
may confer powers of tahsíldár or deputy commissioner	XIV	3
may establish system of village watchmen	XV IV of 1872	2 39 A
may direct performance by general police of local services	XV IV of 1872	2 39 C
may make rules as to certain matters ...	XV IV of 1872	3 50
may attach penalties for breach of certain rules	XV IV of 1872	3 50 B
may make rules as to methylated spirits ...	XVI	7
may fix excise duty on Indian spirits ...	"	11
LOCAL LAW, saving of provisions of, as to levy of fine ...	X	105
LOCAL LIMITS of jurisdiction, see *Jurisdiction.*		
LOCAL TAXATION for services performed by general police .	XV IV of 1872	2 39 C
no such, unless approved by government ...	XV IV of 1872	2 39 D
rate of, ...	XV IV of 1872	2 39E
LOCATION of court	XVII	10 *(a)*
LOST STORES, unauthorized person not to search for,... ...	XII	40
salvage for recovery of, ...	"	43
LOT, jury to be chosen by, ...	X	33
LOWER PROVINCES, see *Bengal.*		

	Act.	Sec.
LUNATIC, see *Unsound mind.*		
LUNATIC PRISONER to be kept in safe custody	X	125
to be visited	"	126
reported capable of making defence ...	"	127
declared capable of being discharged ...	"	128
delivery of, to relative or friend	"	129
MADRAS (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
MADRAS ACTS, see *Acts.*		
See *Presidency towns.*		
MADRAS PRESIDENCY, exemption of certain vessels from port-dues in ports of, ...	XII	57
See *Port-dues.*		
MADRAS REGULATIONS, see *Regulations.*		
MADRAS SALT ACT, 1875	XI	
See *Governor-general in council, Local area, Local government, Salt.*		
MAGISTRATE(S) receiving notice of accident to ship, to report to government	IV	3
may confiscate salt-works, &c., unlawfully constructed	VIII	11
person arrested to be sent before, ...	"	21
defined	X	3
to bind over accused or commit to intermediate custody	"	26
examination before committing, to be given in evidence	"	60, 71, 75
to whom commission issued, how to take evidence...	"	76
procedure by, in cases of contempt	"	135
levy by, of sum forfeited under recognizance ...	"	138
may be specially empowered to prefer certain charges	"	145
defined	XII	4
may abate nuisance affecting navigation ...	"	11
jurisdiction of, in regard to vessel leaving port without payment of dues	"	55
offences under Indian Ports Act to be tried by, ...	"	66
may order offender to pay costs of conviction ...	"	67
may assess damages and expenses	"	68
in case of dispute may determine amount to be levied	"	70
may issue warrant for arrest of foreign deserter...	"	74
saving of criminal jurisdiction of, in Rangoon ...	XVII	35
proceedings of, recorder of Rangoon to exercise supervision over, ...	"	61
MÁHIM (Kelva) (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
MAJORITY, amendment of law relating to age of, ...	IX	
of persons attaining, before passing of Indian Majority Act	"	2
age of, of persons domiciled in British India ...	"	3
age of, how computed	"	4

	Act.	Sec.
MAJORITY,—(*contd.*)		
of jury in trial of European British subject ...	X	35
opinion of, decision according to, ...	XIX	7
MÁLWAN (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
MANGALORE (western group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
MANNER of entering or leaving port, power to regulate, ...	XII	7, cl. (*a*)
MANORI (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
MANUFACTURE, power to search place of illicit, of salt or saltpetre	VIII	19
See *Salt, Saltpetre.*		
MARRIAGE, Indian Majority Act not to affect questions of, ...	IX	2
rule of decision in questions regarding, ...	XVII	4
	XX	5
MAROLI (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
MASTER(s) of ship to report accidents	IV	3
of ship, trial of, on charges of incompetency, &c. ...	"	4
to deliver up cancelled or suspended certificate ...	"	19
to enter into agreement with seamen, ...	"	24
provisions as to examination of, not to apply to certain ships	"	29
defined	XII	4
penalty on, clearing vessel from buoy or moorings, except on emergency	"	14
penalty on, refusing to allow conservator to board vessel	"	16
penalty on, refusing to permit crew to assist in extinguishing fires	"	17
penalty on, of vessel from which ballast, &c., improperly discharged	"	22
penalty on, of vessel graved, breamed, or smoked within prohibited limits	"	23
penalty on, permitting boiling of combustible matter within prohibited limits	"	24
penalty on, allowing spirits to be drawn by unprotected artificial light	"	25
penalty on, refusing to allow warps to be made fast to vessel	"	26
penalty on, leaving out warp or hawser after sunset ...	"	27
to make declaration as to gunpowder	"	30
to give notice when gunpowder not landed	"	32
penalty on, having prohibited gunpowder on board ...	"	34
penalty on, omitting to take order to extinguish fire ...	"	36
penalty on, of certain vessels moving without pilot, &c.	"	38
penalty on, of certain vessels neglecting to provide force-pump, &c.	"	39
fine on, for disobedience to rules	"	42
to report arrival of vessel	"	49
to pay expense of hooking	"	50
penalty on, not producing register or stating true tonnage	"	51
penalty on, evading payment of port-dues	"	55
to hoist number of vessel at signal station	"	62
penalty on, for not hoisting number	"	63
penalty on, for hoisting unlawful colours in port ...	"	73

	Act.	Sec.
MASTER ATTENDANT to be *ex-officio* conservator	XII	8
government not answerable for default of, ...	"	19
MASULIPATAM (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
MATCHES, import duty on, ...	XVI	sch. A, No. 33
MATES OF SHIPS, trial of, on charges of incompetency, &c. ...	IV	4
MATS, import duty on, ...	XVI	sch. A, No. 34
MATTER OF FACT, when decision of appellate court on, final ...	XVII	28
MATWÁD (northern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
MAULMAIN (British Burma), port-dues in, ...	XII	45 & sch. I, pt. I
judge of the town of, civil jurisdiction of, ...	XVII	12
court of recorder of Rangoon may be held at, ...	"	45
insolvent jurisdiction in, ...	"	66
judge of the town of, to be deemed a deputy commissioner	"	96
See *Judge of the town of Maulmain.*		
MAXIMUM port-dues leviable...	XII	45 & sch. I
hospital port-dues	"	59
pecuniary jurisdiction of courts of small causes in Burma	XVII	14, 15
MEASURING, fee for, ...	XII	61
MEASURING INSTRUMENTS, import duty on, ...	XVI	sch. A, No. 28
MEDICAL AID, provision of, from hospital port-dues... ...	XII	60
MEDICAL WITNESS, see *Witness.*		
MEDICINES, import duty on, ...	XVI	sch. A, No. 17
MEMORANDUM OF APPEAL, see *Appeal.*		
MERCHANT SHIPPING ACT, 1854, saving of powers conferred by section 240 of, ...	IV	23
no port-clearance until payment of expenses under, ...	XII	53
See *Indian merchant shipping.*		
METALS, import duty on, ...	XVI	sch. A, No. 35
METHYLATED SPIRITS, power to make rules as to, ...	XVI	7
MILITARY JURORS, see *Jurors.*		
MILITARY OFFICERS, liability of, to serve as jurors	XVII	63
MILITARY STORES, import duty on, ...	XVI	sch. A, No. 2
MILITARY UNIFORMS and accoutrements, import duty on, ...	XVI	sch. A, No. 36
MILLINERY, import duty on, ...	XVI	sch. A, No. 1
MINISTERIAL OFFICER(S), appointment of, to courts in British Burma	XVII	40
fining, suspension and removal of, ...	"	41
appointment and removal of, chief commissioner to have general control over, ...	"	43
appointment and removal of, of recorder's court	"	70
appointment and removal of, of special court	"	74
rules regarding appointment, &c., of,...	XX	8

	Act.	Sec.
MINORITY, rule of decision in questions regarding, ...	XX	5
MINORS, age of majority of certain, ...	IX	3
certain provisions of Court Fees Act declared applicable to certificates in respect of property of, ...	XIII VII of 1870	6 19 H
MISCONDUCT, suspension and removal for, of presiding officers of courts in Burma	XVII	39
penalty for, of or neglect of duty by ministerial officer	"	41
MONEY, deposit of, as bail	X	139
property in, recoverable under certain informations ...	"	144
recovery of, assessed	XII	68
MOORING(S), power to make rules as to, of vessels	XII	7, cl. (*g*)
of vessels in port, power to make rules for regulating,	"	7, cl. (*h*)
power to regulate use of, ...	"	7, cl. (*i*)
power to fix rates for use of, ...	"	7, cl. (*j*)
power to remove thing obstructing, ...	"	11
notice to conservator when vessel fouls government,	"	14
penalty for injuring, &c.	"	20
penalty for unlawfully loosening vessel from, ...	"	21
fee for, ...	"	61
MOORING BUOY(S), power to regulate use of, ...	XII	7, cl. (*i*)
MOORING POST, unauthorized burying of, ...	XII	41
MUHAMMADAN LAW, application of, in certain cases... ...	XVII XX	4 5
MUKHTÁRS, saving of right of, &c., to plead in criminal cases ...	XVII	87
MULE TWIST, see *Twist*.		
MURDHESHWAR (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
MUSICAL INSTRUMENTS, import duty on, ...	XVI	sch. A, No. 28
MUSKET, discharge of, in port	XII	35
NAGORE (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
NAGOTHNA (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
NATIVE, procedure on trial of, jointly, with European British subject	X	36
may claim separate trial	"	37
NATIVE SOLDIERS, validation of enlistment of certain, ...	V	
NATIVE STATE (s) in alliance with Her Majesty, Act extending to,	IX	1
examination of witness in, ...	X	76
NAVAL OFFICER may seize flag, &c., unlawfully hoisted ...	XII	73
NAVAL STORES, import duty on, ...	XVI	sch. A, No. 37
NAVIGABLE CHANNEL, power to extend Indian Ports Act to, ...	XII	5
NAVIGATION, power to remove obstructions to, ...	XII	11
removal of obstructions to, lawfully made ...	"	13
power to raise wreck impeding, ...	"	15
penalty for throwing things likely to impede, ...	"	22
NEGAPATAM (eastern group, Madras Presidency), port-dues in, ...	XII	45 & sch. I, pt. III
NEGLECT OF DUTY, see *Misconduct*.		
NETS, license to use, ...	VII	4
NEW TRIAL in cases before recorder of Rangoon	XVII	53
chief court of Panjáb may order, ...	XIX	5
NIVTI (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
NOLLE PROSEQUI, advocate general may enter, ...	X	146

	Act.	Sec.
NOMINATION of watchmen, village headman to have power of, ...	XV IV of 1872	2 / 30 A
NOTICE of inventory of property seized	I	12 & sch. I
of sale of distrained property	"	17
service of written, given by conservator	XII	9
to be given to collector when vessel fouls government moorings	"	14
of gunpowder not landed	"	32
of taxation on account of general police	XV IV of 1872	2 / 39 D
NOTIFICATION under Indian Ports Act to define limits of port, &c.	XII	5
NUISANCE, see *Public nuisance.*		
NUMBER of courts, power to vary, ...	XVII	8
of vessel to be hoisted at signal station	XII	62
OATH not to be administered to accused	X	61
OBJECTION (s) to jurors	X	53
grounds of, ...	"	54
decision of, ...	"	55
to taxation on account of general police ...	XV IV of 1872	2 / 39 D
OBLIGATION to assist village watchman	XV IV of 1872	2 / 39 B
OBSTRUCTING village watchman, arrest of person, ...	XV IV of 1872	2 / 39 B
OBSTRUCTION(s) to navigation or pier, &c., power to remove, ...	XII	11
lawfully made, removal of, ...	"	13
OCCUPIER of place of illicit manufacture, power to arrest, ...	VIII	19
"OFFENCE"(s) defined	X	3
previous sanction to be obtained if, in amended charge require it	"	16
separate charge for each distinct, ...	"	17
trial of more than one of same kind ...	"	18
trial of more than one, ...	"	19, cl. 1
one, falling within two or more definitions ...	"	19, cl. 2
severally constituting more than one, but collectively coming within one definition ...	"	19, cl. 3
where it is doubtful what, has been committed ...	"	20
person charged with one, may be convicted of another	"	21
when, proved included in, charged ...	"	22
conditions under which person once convicted or acquitted of any, may or may not be charged again for the same, ...	"	117
prosecutions for certain, ...	"	131—133
compounding, ...	"	151
against Indian Ports Act how triable ...	XII	66
OFFENCES AGAINST THE STATE, prosecutions for, ...	X	131
OFFENDERS, see *Youthful offenders.*		
OFFICE, holding, in court an objection to juror ...	X	54
of conservator, rules and orders to be posted in, ...	XII	42
OFFICER, appointment of, to receive gunpowder	XII	28
to account for gunpowder received	"	31

	Act.	Sec.
OFFICER—(*contd.*)		
of judicial commissioner's court not to be appointed assessor	XVII	33
of recorder's court not to be appointed assessor ...	"	50
See *Ministerial officer.*		
OFFICIAL ASSIGNEE, recorder of Rangoon to appoint, ...	XVII	66
OFFICIAL GAZETTE, see *Gazette.*		
OIL (s), penalty for boiling, within prohibited limits... ...	XII	24
import duty on, ...	XVI	sch. A, No. 38
See *Inflammable oil.*		
OIL CLOTH, import duty on,...	XVI	sch. A, No. 39
OILMAN'S STORES, import duty on, ...	XVI	sch. A, No. 47
OMISSIONS, effect of, in charge	X	24
OPERATION of enactment not mentioned in schedule, saving of, ..	XX	3
OPINION, judge may express to jury his, on questions of law and fact	X	91
of assessors to be delivered in writing	XVII	33, 50
See *Difference of opinion.*		
OPIUM, duty on, carried between Indian ports	XVI	3
conditions of export of, ...	"	9
not covered by a government pass, import duty on, ...	"	sch. A, No. 40
OPTICAL INSTRUMENTS, import duty on, ...	XVI	sch. A, No. 28
ORDER for levy of port-due, period of taking effect of, ...	XII	45
of recorder of Rangoon in insolvency cases, effect of, ...	XVII	66
ORIGINAL CRIMINAL JURISDICTION, time of holding sittings of high court in its, ...	X	4
place of holding sittings of high court in its, ...	"	5
OWNER may obtain release of article detained by deposit of additional duty	VIII	23
defined	XII	4
penalty on, not producing register or stating true tonnage	"	51
PAINTER'S MATERIALS, import duty on, ...	XVI	sch. A, No. 41
PAINTS, import duty on, ...	XVI	sch. A, No. 41
PANJÁB CHIEF COURT, see *Chief court of Panjáb.*		
PANJÁB CHIEF COURT ACT, 1866, Act XIX of 1875 incorporated with, ...	XIX	8
PANJÁB COURTS ACT, 1865, section 20, partial repeal of, ...	XIV	2
PANJÁB JUDICIAL ADMINISTRATION ACT, 1875 ...	XIV	
PANJÁB LAWS ACT, 1872, amendment of, ...	XV	
PANWEL (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
PAPER, import duty on, ...	XVI	sch. A, No. 42
PARDON, conditions of tender of, ...	X	77
commitment of person accepting tender of, ...	"	78
PASS, export of opium to be covered by, ...	XVI	9
PASSAGE, power to make rules for keeping free, in ports ...	XII	7, *cl.* (*f*)
PASSENGERS, full port-due on vessels carrying, ...	XII	56
port-due on vessel not discharging or taking in, ...	"	57
PASSES, see *Fees.*		
PARTIALITY, a cause of challenge to juror	X	47
PARTITIONS, rule of decision in questions regarding, ...	XX	5

	Act.	Sec.
PATROL may enter and search place of illicit manufacture of salt or saltpetre	VII	19
PAY of village watchman, regulation of, ...	XV IV of 1872	2 39 A, cl. (*j*)
PEACE, recognizance and security for keeping the, ...	X	140, 141
PECUNIARY JURISDICTION, see *Jurisdiction.*		
PEGU, operation of certian Acts in, ...	XVII	95
PENAL CODE, see *Indian penal code.*		
PENALTY(IES) for illegal distress	I	21
for omission to give notice of accident to ship ...	IV	3
for default in delivering cancelled or suspended certificate	"	19
for certain offences relating to fisheries ...	VII	7
for breach of rules regulating fisheries	"	9
for evading payment of duty on salt and sugar ...	VIII	11
for second and subsequent convictions	"	12
levy of additional duty as, ...	"	15
on proprietors of land for conniving at certain offences	"	16
on police officer failing on requisition to attend entry and search of place of illicit manufacture ...	"	20
detention of article subject to additional duty as, ...	"	23
on customs officer for vexatious search, &c. ...	"	26
on person giving false information	"	26
on juror for non-attendance	X	46
enforcement of, in default of appearance of accused...	"	137
in recognizance of surety ...	"	138
property in, recoverable under certain informations...	"	144
for disobedience to conservator's orders... ...	XII	9
for causing obstruction or public nuisance in port ...	"	11
on master clearing vessel fouled in moorings ...	"	14
on master refusing to allow conservator, &c., to board vessel...	"	16
on master and seamen refusing to assist in extinguishing fires	"	17
for injuring buoys, beacons, or moorings ...	"	20
for unlawfully loosening vessel from moorings ...	"	21
for graving, breaming, or smoking vessel within prohibited limits	"	23
for boiling combustible matter within prohibited limits	"	24
for drawing spirits by unprotected artificial light ...	"	25
on master refusing to allow warps to be made fast to vessel	"	26
for allowing warp or hawser to be left out after sunset	"	27
for having prohibited gunpowder on board ...	"	34
for discharging fire-arms in port	"	35
on master omitting to take order to extinguish fire	"	36
on master of certain vessels moving without pilot, &c.	"	38
on unauthorized person searching for lost stores ...	"	40
for unauthorizedly doing anything to injure bank or shore	"	41
on master for not reporting arrival of vessel ...	"	49
no port-clearance until payment of all, ...	"	53
on evasion of payment of port-dues	"	55
on pilot for disobedience to provisions relating to hoisting number of vessel	"	65

	Act.	Sec.
PENALTY(IES) —,(*contd.*)		
levy of, ...	XII	66
for hoisting unlawful colours in port	"	73
recovery of, in ports to which sections 11 and 22 are extended	"	75
where too low a court-fee has been paid on probate .	XIII VII of 1870	6 19 E
for not paying full probate-fee on discovery of under-payment	XIII VII of 1870	6 19 G
for breach of certain rules	XX	9
See *Fine.*		
PENDENCY of case in which reference made	XVII	81
PENDING CASES, procedure applicable to, ...	X	153
PEPPER, duty on, exported from Cochin	XVI	8
PERFUMERY, import duty on, ...	XVI	sch. A, No. 43
PERIOD of imprisonment in default of recognizance and surety to keep the peace	X	140, 141
PERMISSION for export of opium	XVI	9
PERSON(S) arrested to be sent before magistrate, or discharged ...	VIII	21
penalty on, giving false information	"	26
local government may invest any, with powers of collector and customs officer	"	31
age of majority of certain, ...	IX	3
number of, to constitute jury	X	33
present in court when liable to serve as juror ...	"	56
commitment of, accepting tender of pardon ...	"	78
in attendance may be examined	"	80
accused may examine any, in attendance	"	85
no, to speak to member of jury ...	"	92
once convicted or acquitted not to be tried for same offence	"	117
authorized to act, may call in assistance	XII	18
unauthorized, not to search for lost stores	"	40
removing stones, &c., or injuring shores of port, penalty on,	"	41
exercising powers under section 3 to be deemed tahsildár or deputy commissioner respectively ...	XIV	5
every, bound to assist village watchman	XV IV of 1872	2 39 B
See *Accused person.*		
PERSONAL ATTENDANCE of witness, court may dispense with, ...	X	76
PERSONAL OBJECTION, a cause of challenge to juror ...	X	47
PETITION for probate, see *Probate.*		
PETITION(S) to judicial commissioner, fee on certain, ...	XVII	37
to special court from insolvency proceeding of recorder of Rangoon	"	66
PETROLEUM included in inflammable oil	XII	37 Exp.
PHOTOGRAPHIC APPARATUS, import duty on, ...	XVI	sch. A, No. 28
PIECE-GOODS, import duty on, ...	XVI	sch. A, No. 16
not otherwise described, import duty on, ...	"	sch. A, No. 44
PIER, power to remove things obstructing, ...	XII	11
PILOT in charge of ship to report accidents	IV	3
defined	XII	4
government not answerable for default of, ...	"	19
duty of, if master refuse to hoist number of vessel ...	"	64
penalty on, for disobedience to provisions relating to hoisting of number	"	65

	Act.	Sec.
PILOTAGE, exclusion from port fund account of receipts and expenses on account of, ...	XII	47
fees for, ...	"	61
PILOT COURT, powers of, as to attendance and examination of witnesses	IV	31
PIPES, import duty on, ...	XVI	sch. A, No. 45
PITCH, penalty for boiling, within prohibited limits	XII	24
import duty on, ...	XVI	sch. A, No. 46
PLACE of holding sittings of high court	X	5
of deposit of gunpowder, local government to appoint, ...	XII	28
of holding court	XVII	10
PLAINTS, language of, in British Burma	XVII	20
PLATE, import duty on, ...	XVI	sch. A, No. 30
PLATED-WARE, import duty on, ...	XVI	sch. A, No. 25
PLEA of guilty	X	29
POLICE, connexion with, an objection to juror	X	54
local services performed by general, ...	XV IV of 1872	2 39 C
duties relating to, performance by village watchmen of, ...	XV IV of 1872	2 39 A, cl. (f)
POLICE MAGISTRATE, examination under commission by, of witness in presidency town	X	76
POLICE OFFICER, penalty on, failing to attend entry and search of place of illicit manufacture	VIII	20
to report arrest, seizure, or search	"	21
to assist customs officers	"	25
PORCELAIN, import duty on, ...	XVI	sch. A, No. 19
PORT (s) to which Indian Ports Act extends	XII	2 & sch. I
defined	"	4
power to extend Indian Ports Act to, or withdraw it from, ...	"	5
rate of port-dues in, ...	"	45 & sch. I
See *Union of ports.*		
PORT-CLEARANCE not to be granted until dues, &c., paid ...	XII	53
PORT-DUE (s) existing, levy of, ...	XII	45
rate of, in certain ports mentioned in first schedule ...	"	45 & sch. I
in ports in British Burma	"	45 & sch. I, pt. I
in ports in the Lower Provinces	"	45 & sch. I, pt. II
in ports in the Madras Presidency	"	45 & sch. I, pt. III
in ports in the Bombay Presidency	"	45 & sch. I, pt. IV
periods of charge of, ...	"	45 & sch. I
collection of, by distress and sale	"	52
no port-clearance until, paid	"	53
payable in one port recoverable in another ...	"	54
proceedings on evasion of payment of, ...	"	55
on vessels in ballast	"	56
not discharging or taking in cargo or passengers	"	57
See *Exemption Hospital port-dues, Variation.*		
PORT CANNING (Lower Provinces), port-dues in, ...	XII	45 & sch. I, pt. II

	Act.	Sec.
PORTO NOVO (eastern group, Madras Presidency), port-dues in,	XII	45 & sch. I, pt. III
PORT RULES, power to make, ...	XII	7
conservator to regulate carrying out of, ...	"	9
POSSESSION of immoveable property, restoration of, ...	X	142
POSTPONEMENT of trial	X	66
sentence of death on pregnant woman ...	"	114
trial of person of unsound mind ...	"	120
POWDER, see *Gunpowder*.		
POWER(S), local government may confer, of tahsíldár or deputy commissioner	XIV	3
conferred under section 3, where and in what cases to be exercised	"	4
of village watchman, rules relating to, ...	XV / IV of 1872	2 / 39 A, cl. (*e*)
ordinary, of courts in Burma	XVII	12
special, of assistant and extra-assistant commissioner	"	13
of courts of small causes	"	14
special, of courts of small causes	"	15
concurrent, of courts	"	16
of deputy commissioner's court, power to confer, ...	"	17
PRACTICE, see *Rules of practice*.		
PRECEDENCE in special court	XVII	72
PREGNANT WOMAN, execution of sentence of death on, ...	X	114
PREJUDICE, circumstances causing, against persons concerned, an objection to juror	X	54
PRELIMINARY ENQUIRY, when evidence given at, admissible ...	X	75
PRESIDENCY TOWNS, Act to regulate distresses for rents in, ...	I	
certain trials in, to be before special jury ...	X	38
examination under commission of witness in,	"	76
PRESIDING OFFICER (s), not to try suit or appeal in which he is interested	XVII	19
appointment of, of courts in Burma ...	"	38
suspension and removal of, ...	"	39
powers of, as to appointment of ministerial officers	"	40
powers of, as to fining, suspending or removing ministerial officers ...	"	41
PREVIOUS CONVICTION, see *Conviction*.		
PRICE to be paid for salt in any local area how ascertained ...	XI	5
PRIMÁ FACIE proof, certificate of collector at one port, at another ...	XII	54, 55
PRISONER, illness of, a reason for discharge of jury	X	99
PRISONERS ACT, 1871, saving of, ...	X	143
PRISONERS' TESTIMONY ACT, 1869, saving of, ...	X	143
section 7, amendment of, ...	XVII	93
PRIVILEGE of village watchmen, rules relating to, ...	XV / IV of 1872	2 / 39 A, cl. (*e*)
PROBATE, effect of unlimited, granted after 1st April 1875 ...	XIII / X of 1865	2 / 242
additional statement in petition for, ...	XIII / X of 1865	4 / 246 A
petition for, if property in other provinces ...	XIII / X of 1865	5 / 277 A
valid as to trust property, though not covered by court-fee	XIII / VII of 1870	6 / 19 D
PROCEDURE in respect of salt or sugar seized	VIII	22
on detainer of article subject to penal duty ...	"	23

	Act.	Sec.
PROCEDURE—(*contd.*)		
for obtaining attendance of witnesses	X	79
when warrant for arrest of witness cannot be executed...	"	82
on reservation of question of law	"	101
in default of payment of port-due	XII	52
when subject-matter of suit within jurisdiction of different courts	XVII	18
where presiding officer interested in suit or appeal ...	"	19
on reference to judicial commissioner	"	26, 30
on reference to high court	"	31, 57
where recorder interested in suit before him ...	"	59
of recorder on trials of European British subjects ...	"	63
of recorder in exercise of admiralty jurisdiction ...	"	65
of recorder in exercise of insolvent jurisdiction ...	"	66
of high court on reference from special court ...	"	82
PROCEEDINGS, stay of, on entry of *nolle prosequi*	X	146
PROCEEDS of sale of timber, &c., removed for obstruction ...	XII	12
of wreck, application of, ...	"	44
of waifs to be credited to port fund account ...	"	47
of sale of vessel, &c., application of, ...	"	52
PROCESS, rules for service and execution of, ...	XVII	68
See *Service of process.*		
PROCLAMATION for attendance of absconding witness ...	X	82
PROHIBITED LIMITS, power to fix, in respect of possession of gunpowder in port	XII	7, cl. (*o*)
penalty for graving, &c., vessel within, ...	"	23
boiling pitch, &c., within, ...	"	24
PROHIBITION, rules as to, of import, export, or transit of salt or sugar	VIII	28
PROMISSORY NOTES, deposit of government, as bail	X	139
PROOF of previous conviction or acquittal	X	119
See *Primâ facie proof.*		
PROPERTY, which may be seized under distress-warrant ...	I	10
impounding of, seized	"	11
inventory of, seized	"	12 & sch. I
claim by stranger to, distrained	"	14
proceeds of sale of, ...	"	18
account of proceeds of, ...	"	20
attachment of moveable, of witness absconding ...	X	82
attached, disposal of, ...	"	83
regarding which offence committed	"	115
explanation of, ...	"	115
distress and sale of attached, of accused	"	137
of surety	"	138
recovered, when to be sold	XII	44
value of, in different provinces to be stated separately in application for probate	XIII X of 1865	5 277 A
PROPRIETORS OF LAND, punishment of, for conniving at certain offences	VIII	16
PROSECUTIONS for certain offences	X	131-133
"PROSECUTOR" defined	X	3
may apply for amendment of charge	"	10

	Act.	Sec.
PROSECUTOR—(*contd.*		
may recall witness on amendment of charge ...	X	15
to open case	"	59
when entitled to reply	"	63
PROTECTION of village watchmen, rules relating to, ...	XV IV of 1872	2 39, cl. (*c*)
See *Artificial protection.*		
PROVISIONS of sections 11 and 22 applicable to certain ports ...	XII	75
import duty on, ...	XVI	sch. A, No. 47
PUBLIC AUCTION, sale by, of property recovered	XII	44
PUBLIC NUISANCE, penalty for causing, affecting navigation ...	XII	11
PUBLIC SERVANTS, bailiffs to be, ...	I	5
officers entering vessel for purpose of seizure and detention, to be deemed, ...	IV	15
See *Contempt of court.*		
PUBLICATION of rules under Burma Fisheries Act	VII	10
of rules under Inland Customs Act	VIII	20
of lists of jurors	X	44
of proclamation respecting absconding witness ...	"	82
of rules and orders under Indian Ports Act ...	XII	42
of order for levy of port-due	"	45, 59
of rules relating to insolvency in British Burma ...	XVII	66
of practice, made by recorder of Rangoon	"	67
for service and execution of process ...	"	68
of list of holidays and vacations	"	44, 71
of rules and table of fees of special court ...	"	74
regarding qualification, &c., of advocates	"	86
as to methylated spirits	XVI	7
in official Gazette, a condition of validity of certain rules	XV IV of 1872	3 50 A
See *Gazette.*		
PULSE, export duty on, ...	XVI	sch. B, No. 2
PUNISHMENT in case of one offence falling within two or more definitions	X	19, cl. 2
for acts severally constituting more than one offence, but collectively coming within one definition	"	19, cl. 3
offender not excused from any part of, upon former or subsequent conviction	"	111
for breach of certain rules	XV IV of 1872	3 50 B
See *Penalty*		
PURNAGARH (southern group, Bombay Presidency,) port-dues in,	XII	45 & sch. I, pt. IV
QUALIFICATION of recorder of Rangoon	XVII	45
of advocates	"	84, 86
QUAY, power to remove things obstructing, ...	XII	11

	Act,	Sec.
QUESTIONS, judge to decide upon propriety of, asked ...	X	91
of fact, jury to decide, ...	"	93
of law, judge to decide, ...	"	91
may reserve, ...	"	101
reference of, ...	XVII XIX	25, 29, 54, 80 6
RAFT, power to remove, obstructing navigation	XII	11
RAILWAY MATERIALS, import duty on, ...	XVI	sch. A, No. 48
RANGOON (British Burma) port-dues in, ...	XII	45 & sch. I, pt. I
insolvent jurisdiction in, ...	XVII	65
See *Jurisdiction, Recorder of Rangoon.*		
RATANS, import duty on, ...	XVI	sch. A, No. 7
RATE(S) of duty on imported salt	VIII XVI	5 sch. A, No. 29
of duty on manufactured salt	VIII	10 (*c*)
power to fix, for use of government moorings, &c. ...	XII	7, *cl.* (*j*)
of port-dues, maximum, ...	"	45, 46, & sch. I.
of fees for pilotage, &c.	"	61
of excise duty on Indian spirits	XVI	11
RATNÁGIRI (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
RAWANAS, see *Fees.*		
REASONS of refusal to draw up statement of reference, record of,	XVII	29
RECEIPT(S) for gunpowder deposited	XII	31
port fund account to shew detail of, ...	"	47
RECOGNIZANCE of accused, forfeiture of, ...	X	137
of surety, forfeiture of, ...	"	138
RECORD(S) when judicial commissioner may call for, ...	XVII	34
rules for custody and destruction of, ...	XX	8
RECORDER OF RANGOON, law to be administered in court of, ...	XVII	5
saving of criminal jurisdiction of, ...	"	35
not to be removed without sanction of governor-general in council ...	"	39
appointment of, ...	"	45
discharge of duties of, in case of vacancy, &c.	"	46
local limits of jurisdiction of, ...	"	47
civil jurisdiction of, ...	"	48
appeal from decrees of, ...	"	49
may appoint assessors	"	50
to exercise powers of district judge ...	"	51
to exercise powers of high court in respect of small cause court at Rangoon	"	52
may grant review, &c.	"	53
may state a case to high court ...	"	54
may pass decree contingent on opinion of high court	"	55
procedure where, interested in suit before him	"	59
to exercise powers of court of session ...	"	60
of revision over magistrates' proceedings	"	61

	Act.	Sec.
RECORDER OF RANGOON—(*contd.*)		
to have powers of high court over European British subjects	XVII	62
to exercise admiralty jurisdiction of high court	"	65
insolvent jurisdiction of, ...	"	66
may make rules relating to proceedings in,	"	66
of practice	"	67
for service and execution of process ...	"	68
to be subject to control of chief commissioner	"	69
may seek assistance of special court ..	"	76
case before, may be transferred to special court	"	77
may make rules regarding qualification and admission of advocates ..	"	84
may suspend or withdraw license of advocate	"	85
may make rules as to fees and costs ...	"	90
for recording judgments, taking down evidence and admission of affidavits	"	91
power of, in respect of jails ...	"	93
RECOVERY of expenses of removal of obstructions to navigation, &c.	XII	12
of wreck, &c., salvage for, ...	"	43
of expenses assessed	"	68
of fines imposed on ministerial officers	XVII	42
REFERENCE(S) to judicial commissioner in cases of doubt ...	XVII	25
procedure on such, ...	"	26
on application of parties	"	29
procedure on such, ...	"	30
to high court by judicial commissioner ...	"	31
assessors may be appointed for trial of, ...	"	33
REFORMATORIES, confinement of youthful offenders in, ...	X	112
REFUND of additional duty	VIII	23
amount of, when forfeited	"	23
REGISTER(S) of wreck, &c., recovered by government officer ...	XII	43
recorder of Rangoon to keep, ...	XVII	69
REGISTRAR OF HIGH COURT granting probate to transmit certificate to other high courts ..	XIII X of 1865	3 242 A
REGULATION (BENGAL) I of 1798 in force in Central Provinces	XX	3 & sch.
V of 1799, sections 4, 5 and 6, in force in Central Provinces ...	"	3 & sch.
section 7, extended to Burma	XVII	98
X of 1804, extant portion in force in Central Provinces	XX	3 & sch.
XI of 1806, certain portions in force in Central Provinces	"	3 & sch.
XVII of 1806, sections 7 & 8, in force in Central Provinces	"	3 & sch.
XX of 1810, certain portions in force in Central Provinces	"	3 & sch.
XI of 1812, extant portion in force in Central Provinces	"	3 & sch.
V of 1817, certain portions in force in Central Provinces	"	3 & sch.

	Act.	Sec.
REGULATION (BENGAL)—(*contd.*)		
V of 1817, extended to Burma ...	XVII	98
XX of 1817, section 29, clauses 5, 6, 7 and 8, repeal of, ...	VIII	2 & sch.
III of 1818, saving of detentions under,	X	148
III of 1818, extended to Burma ...	XVII	98
III of 1818, extant portions in force in Central Provinces	XX	3 & sch.
VI of 1819, certain portions in force in Central Provinces	"	3 & sch.
X of 1819, repeal of so much as extant ...	VIII	2 & sch.
VI of 1825 in force in Central Provinces	XX	3 & sch.
XI of 1825 in force in Central Provinces	"	3 & sch.
XX of 1825, sections 1 and 2, in force in Central Provinces	"	3 & sch.
X of 1826, repeal of, so much as extant	VIII	2 & sch.
V of 1827, certain portions in force in Central Provinces	XX	3 & sch.
IV of 1832, repeal of, ...	VIII	2 & sch.
I of 1833, repeal of, ...	"	2 & sch.
REGULATION (Madras), II of 1819, saving of detentions under, ...	X	148
REGULATION (Bombay), XXV of 1827, saving of detentions under, ...	"	148
REGULATIONS, repeal as to Central Provinces of all Bengal, not declared to be in force	XX	
RELATION, standing in certain, to parties concerned an objection to juror	X	54
See *Family relations.*		
RELATIVE(S), conditions under which lunatic may be delivered to, or friend	X	129
REDEASE of article detained on account of additional duty ...	VIII	23
of accused when of unsound mind	X	121
RELIGIOUS USAGE OR INSTITUTION(S), decision of questions regarding, ...	XVII XX	4 5
REMISSION of penalty on forfeiture of recognizance ...	X	138
where payment of too low probate fee unintentional	XIII VII of 1870	6 19 E
RE-MOORING, fee for, ...	XII	61
RENT(S), distresses for, see *Distresses.*		
for fisheries, recovery of, ...	VII	5
REPEAL of enactments	I VIII X XI XII XVIII XX	2 & sch. 2 & sch. 2 & sch. 3 & sch. II 3 & sch. II 2 2
See *Acts, Regulations.*		
REPEALING ACT, 1874, correction of clerical error in, ...	III	
REPLY, prosecutor when entitled to, ...	X	63
REPORT(S) on proposal for taxation on account of local services by general police	XV IV of 1872	2 39 D
binding authority of authorized law, ...	XVIII	3
REQUISITES FOR GAMES, import duty on, ...	XVI	sch. A, No. 60
RERI (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV

	Act.	Sec.
RE-SHIPMENT after repair not a taking in of cargo	XII	57
RESIGNATION of village watchmen, rules to regulate, ...	XV IV of 1872	2 39 A, cl. (c)
RESIN, penalty for boiling, within prohibited limits	XII	24
RESPONDENT, confirmation of decision of lower court in absence of,	XVII	24
RE-TRIAL after discharge of jury	X	100
RETURN(S) to commission for examination of witness ...	X	76
recorder of Rangoon to submit, to chief commissioner	XVII	69
REVDANDÁ (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
REVENUE OFFICERS to assist customs officers	VIII	25
REVIEW of judgment in cases before recorder of Rangoon ...	XVII	53
REWAS (southern group, Bombay Presidency), port-dues in, ..	XII	45 & sch. I, pt. IV
RIGHT of accused to be defended	X	31
RIOTING, recognizance and security from person convicted of, ...	X	140, 141
RIVER STEAMERS exempted from liability to report arrival ...	XII	49
ROCK, unauthorized removal of, ...	XII	41
ROPE, conservator may cut, &c., endangering safety of vessel ...	XII	10
import duty on, ...	XVI	sch. A, No. 14
RUBBISH, penalty for improperly throwing, ...	XII	22
RULE OF DECISION in certain cases	XVII XX	4 5
where Hindú or Muhammadan law not applicable	XVII XX	4 6
RULES, chief commissioner of British Burma may make, for regulating fisheries	VII	8
penalty for breach of such, ...	"	9
governor-general in council may make, regulating seizures and disposal of things seized	VIII	27
governor-general in council may make, regulating appeals, fees, and other matters	"	29
saving of existing, ...	"	33
high court may make, as to jurors	X	49
as to locking-up jurors ...	"	65
as to taking of evidence ...	"	68
as to issue of directions in nature of *habeas corpus*	"	148
power to make port,...	XII	7
for prevention of fire from inflammable oil	"	37
requiring special extension	"	38-41
power to make, for establishment of village watch ...	XV IV of 1872	2 39 A
relating to local taxation on account of services performed by general police	XV IV of 1872	2 39 E, F
power to make, as to certain matters	XV IV of 1872	3 50
conditions of validity of, ...	XV IV of 1872	3 50 A
as to methylated spirits	XVI	7
for distribution of business in subordinate courts of Burma	XVII	20
relating to proceedings in insolvency, power to make, ...	"	66
of practice, power of recorder to make, ...	"	67
for service and execution of process and regulation of fees	"	68
relating to special court	"	74
regarding qualification, &c., of advocates	"	84, 86

	Act.	Sec.
RULES—(*contd.*)		
for hearing appeals from decrees of chief court of Panjáb	XIX	1
repeal as to Central Provinces of certain, ...	XX	2 (*c*)
power to make subsidiary, ...	"	8
See *Confirmation of rules, Publication of rules.*		
RULING, see *Judgment.*		
RURAL POLICE, establishment of, in the Panjáb, ...	XV	
SADDLERY, import duty on, ...	XVI	sch. A, No. 31
SAL AMMONIAC, import duty on, ...	XVI	sch. A, No. 9
SALE, notice of, of distress	I	17
application of proceeds of, ...	"	18
account of proceeds of, ...	"	20
of dutiable goods for non-payment of duty	VIII	9
of property attached on non-appearance of accused ...	X	137
on forfeiture of recognizance of surety	"	138
of vessels, &c., to satisfy port-dues and costs of distress ...	XII	52
levy of penalty by, ...	"	66
articles exempt from, ...	XX	7
SALT, manufacture of, defined	VIII	3
regulation of import of, ...	"	4
rate of duty on imported, ...	"	5
levy of duty on imported, by mileage-rate	"	8
power to regulate manufacture and refining of, ...	"	10(*a*)
power to fix fees for license to manufacture, ...	"	10(*b*)
rate of duty on manufactured, ...	"	10(*c*)
power to reduce or remit duties on,...	"	10(*d*)
power to regulate possession of, within defined areas ...	"	10(*e*)
seizure of, liable to confiscation	"	17
power to enter and search place of illicit manufacture of, ...	"	19
power to prohibit import, export and transit of, ...	"	28
saving of existing duty on, ...	"	32
power to impose duty on, for any local area	XI	2
power to fix as part of price, additional sum to cover cost, &c., of, ...	"	3
local government may vary such additional sum ...	"	4
price to be paid in local area how ascertained	"	5
duty on, carried between Indian ports	XVI	3
import duty on, ...	XVI	sch. A, No. 40
SALTED FISH, duty on, carried between Indian ports ...	XVI	3
"SALTPETRE" defined	VIII	3
power to regulate manufacture and refining of, ...	"	10
power to enter and search place of illicit manufacture of, ...	"	19
SALT-WORKS, confiscation of, unlawfully constructed ...	VIII	11
SALVAGE for recovery of wreck, &c.	XII	43
money to be credited to port fund account ...	"	47
SANCTION for prosecutions for contempt of authority ...	X	133
nature of,...	"	134
of chief commissioner of British Burma, see *Chief commissioner.*		
of governor-general in council, see *Governor-general in council.*		
of judicial commissioner, see *Judicial commissioner.*		
of local government, see *Local government.*		
SANITARY SUPERINTENDENCE, provision of, from hospital port-dues	XII	60

	Act.	Sec.
SANITATION, duties relating to, performance by village watchmen	XV	2
of, ...	IV of 1872	39 A, cl. (*f*)
rules for, at public places	XX	8
SARTHA (Cuttack port, Lower Provinces), port-dues in, ...	XII	45 & sch. I, pt. II
SÁTPÁTI CREEK (northern group, Bombay Presidency), port-dues in,	XII	45 & sch. I, pt. IV
SEWING THREAD, import duty on, ...	XVI	sch. A, No. 16
SEAL of courts in Burma	XVII	10 (*b*)
of recorder of Rangoon	"	45
of special court in Burma	"	73
SEAMAN, master to enter into agreements with, ...	IV	24
explanation of, ...	"	26
Indian, may sign form of agreement for British or Colonial ships	"	27
penalty on, refusing to assist in extinguishing fires ...	XII	17
SEARCH-WARRANT, see *Document.*		
SECOND APPEAL, when judicial commissioner may receive, ...	XVII	27
SECRETARY OF STATE, see *Agent for secretary of state.*		
SECURITY for keeping the peace, court may require, in addition to recognizance	X	141
where too low, court-fee on letters of administration ...	XIII	6
	VII of 1870	19F
from applicant for review or new trial	XVII	53
SEEDS, import duty on, ...	XVI	sch. A, No. 50
SEIZURE, power to make rules regulating, of things liable to be seized	VIII	27
of prohibited gunpowder	XII	34
SENTENCE (s) in cases of simultaneous conviction of several offences	X	109
currency of, on escaped convict	"	110
degrees of severity of, ...	"	110 Exp.
on offender already under, for another offence ...	"	111
execution of, of imprisonment on youthful offenders	"	112
See *Whipping.*		
SENTENCE OF DEATH, on escaped convict	X	110
form of, ...	"	113
on pregnant woman	"	114
confirmation of, ...	XVII	60
on European British subjects	"	64
SERVICE, mode of, of notice given by conservator	XII	9
of summons to military officer	XVII	63
of process, rules for, ...	"	68, 74
SESSIONS, see *Sittings.*		
SESSIONS JUDGE, see *Commissioner, Judge of the town of Maulmain.*		
SHELLS, import duty on, ...	XVI	sch. A, No. 51
SHINGLE, unauthorized removal of, ...	XII	41
SHIPPING of gunpowder	XII	29, 33
of inflammable oil, rules for regulation of, ...	"	37
SHIPS navigated by Asiatic seamen, provisions as to examination of masters, &c., not to apply to, ...	IV	29
SHIBÁLI (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I pt. IV
SHOAL, penalty for throwing things likely to form a, ...	XII	22

	Act.	Sec.
SHOES, import duty on, ...	XVI	sch. A, No. 31.
SHORE, unauthorizedly doing things to injure, ...	XII	41
SHORT TITLE, see *Title of act.*		
SIGNAL-LIGHTS, power to enforce and regulate use of, ...	XII	7, cl. (*m*)
SIGNAL OF DISTRESS, discharge of guns as, ...	XII	35
SIGNAL STATION, number of vessel to be hoisted at, ...	XII	62
SILK, import duty on, ...	XVI	sch. A, No. 52
SIMPLE IMPRISONMENT, see *Imprisonment*	"	
SITTING (s), time of holding criminal, of high court ...	X	4
place of holding, and notice thereof	"	5
place of, of special court	XVII	73
rules for regulating, of special court	"	74
SKINS, import duty on, ...	XVI	sch. A, No. 27
SMALL CAUSE COURT, See *Court of small causes.*		
SMOKING, penalty for, vessel within prohibited limits ...	XII	23
SOAP, import-duty on, ...	XVI	sch. A, No. 53
SOIL, unauthorized removal of, from port-bank	XII	41
SOLDIERS, see *Native soldiers.*		
SPARS, power to make rules for removal, &c. of, ...	XII	7, cl. (*d*)
SPECIAL CIVIL JURISDICTION, see *Jurisdiction (civil).*		
SPECIAL COURT, appointment of, for investigation of accidents to ships	IV	4
powers of, ...	"	8, 10
confirmation of sentence of death by, ...	XVII	60
to hear petition from order in insolvency ...	"	66
constitution of, ...	"	72
place of sittings of, ...	"	73
rules relating to, ...	"	74
appeals to be heard by, ...	"	75
may be convened, for the determination of certain matters	"	76
cases may be transferred to, ...	"	77
effect of decree or sentence of, ...	"	78
to be deemed a high court in certain criminal matters	"	79
may state a case for opinion of high court ...	"	80
to be deemed high court, under Acts VII of 1870 and IX of 1871	"	83
what advocates entitled to appear in, ...	"	88
may make rules as to fees and costs ...	"	90
for recording judgments, taking down evidence, and admission of affidavits ...	"	91
appeal to, from orders of judge of Maulmain ...	"	96
SPECIAL JURORS, number of, ...	X	40
exemption of, from service on common juries ...	"	41
SPECIAL JURY, trials before, ...	X	38
SPECIAL LAW, saving of provisions of, as to levy of fines ...	X	105
SPECIAL PROPERTY of females, rule of decision as to, ...	XX	5
SPICES, import duty on, ...	XVI	sch. A, No. 54
SPIRITS, duty on, carried between Indian ports	XVI	3
power to make rules as to methylated, ...	"	7
penalty for drawing, by unprotected artificial light ...	XII	25
See *Indian spirits, Liquors.*		
STAMP-DUTY, exemption from, of conveyances, &c., in proceedings in insolvency	XVII	66

	Act.	Sec.
STATE, offences against the, prosecutions for, ...	X	131
STATEMENT of reference what to contain	XVII	25, 29
defective, may be treated as appeal	"	34
STATIONERY, import duty on, ...	XVI	sch. A, No. 55
STATIONS, power to make rules for regulating, of vessels in port...	XII	7, cl. (*b*)
STATISTICS, duties relating to, performance by village watchmen of, ...	XV IV of 1872	2 39 A, cl. (*f*)
STATUTE, 52 Henry 3, c. 1 repealed	I	2 & sch. II
c. 3 "	"	2 & sch. II
c. 4 "	"	2 & sch. II
c. 15 "	"	2 & sch. II
c. 21 "	"	2 & sch. II
13 Ed. 1, c. 2 "	"	2 & sch. II
c. 37 "	"	2 & sch. II
Les Estatuz del Eschekere between c. 13 & c. 14 of 17 Ed. 2 repealed	"	2 & sch. II
1 & 2 Phil. and M. c. 12 repealed	"	2 & sch. II
17 Char. 2, c. 7 repealed	"	2 & sch. II
2 Wm. & Mary, c. 5 repealed	"	2 & sch. II
13 Geo. III, c. 63, portions of, repealed	X	2 & sch.
33 Geo. III, c. 52, portions of, repealed	"	2 & sch.
53 Geo. III, c. 155, portions of, repealed	"	2 & sch.
9 Geo. IV, c. 74, portions of, repealed	"	2 & sch.
11 & 12 Vic., c. 21, procedure of, applicable to insolvencies in British Burma	XVII	66
STATUTORY PENALTY, fine for hoisting unlawful colors to be in addition to, ...	XII	73
STONES, unauthorized removal of, from bank or shore ...	XII	41
STORES, salvage for recovery of, ...	XII	43
See *Lost stores.*		
STRESS OF WEATHER, master to give notice if by, powder not landed	XII	32
a reason for leaving port without payment of dues	"	55
no port-due on vessel re-entering from, ...	"	58
SUBARNREKHA (Cuttack ports, Lower Provinces) port-dues in, ...	XII	45 & sch. I, pt. II
SUCCESSION, decision of cases regarding,...	XVII	4
"SUGAR" defined	VIII	3
regulation of export of, ...	"	4
rate of duty on export of refined and unrefined, ...	"	5
power to define refined and unrefined, ...	"	5
seizure of, liable to confiscation	"	17
power to prohibit import, export and transit of, ...	"	28
saving of existing duty on, ...	"	32
import duty on, ...	XVI	sch. A, No. 56
SUIT, saving of, for acts done by, or under sanction of government	XII	19
trial of, in which presiding officer interested	"	19
transfer of, to recorder's court	XVII	58
SUITOR may plead in his own behalf	XVII	84, 87
SUMMING UP OF EVIDENCE, see *Charge.*		
SUMMONS(ES), supplementary, of jurors	X	45
to witness	"	80
for production of document	"	86
SUNDAY, register of wreck recovered not open to inspection on, ...	XII	43

	Act.	Sec.
SUPERINTENDENCE, general, over courts in Burma	XVII	11
SUPERVISION over village watchmen, rules to provide for, ...	XV IV of 1872	2 39 A, cl. (*d*)
SURAT (northern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
SURETY of lunatic to produce him when required	X	122
of accused, forfeiture of recognizance of, ...	"	138
SURGICAL INSTRUMENTS, import duty on, ...	XVI	sch. A, No. 28
SURPLUS of sale of vessel, &c., application of, ...	XII	52
SURVEYING INSTRUMENTS, import duty on, ...	XVI	sch. A, No. 28
SUSPENSION of distress, application for...	I	3
of village watchmen, rules to regulate, ...	XV IV of 1872	2 39 A, cl. (*c*)
of presiding officers of courts in Burma ...	XVII	39
of ministerial officers	"	41, 70, 74
SYNDICATE of Calcutta university may confer honorary degrees...	XXI	
TACKLE, distress and sale of, in default of payment of port-due...	XII	52
levy of penalty by sale of, ...	"	66
TADRI, (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
TAHSÍLDÁR, powers of, local government may confer, ...	XIV	3
TALKHÁRI, (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
TANKÁREA, (northern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
TANNA, (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
TAR, penalty for boiling, within prohibited limits	XII	24
import duty on, ...	XVI	sch. A, No. 46
TÁRÁPUR, (northern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
TARIFF ACT, the Indian, ...	XVI	
TAXES, indemnity for levy of certain police, ...	XV IV of 1872	2 39 G
rules for the imposition of, for certain purposes ...	XX	8
See *Local tax, Village watch tax.*		
TAXATION of fees of Advocates	XVII	89
of costs, rules as to, ...	"	90
TEA, import duty on, ...	XVI	sch. A, No. 57
TECHNICAL EXPRESSIONS, jury to determine meaning of, ...	X	93
TELLCHERRY (western group, Madras Presidency) port-dues in, ...	XII	45 & sch. I, pt. III
"TERRITORIES, the said," defined, ...	VIII	3
THAL, (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
TIMBER, power to remove, obstructing navigation	XII	11
TIME for application for relief from excessive probate-fee, ...	XIII VII of 1870	6 19 A & B
of leaving or entering port, power to regulate,... ...	XII	7, cl. (*a*)
TIME-KEEPERS, import duty on, ...	XVI	sch. A, No. 11
TIREKHOL (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV

	Act.	Sec.
TITLE OF ACT, short	I	1
	IV	1
	VII	1
	VIII	1
	IX	1
	X	1
	XI	1
	XII	1
	XIV	1
	XV	1
	XVI	1
	XVII	1
	XVIII	1
	XX	1
TOBACCO, import duty on, ...	XVI	sch. A, No. 58
TOILET REQUISITES not otherwise described, import duty on, ...	XVI	sch. A, No. 59
TONNAGE of vessel how ascertained	XII	51
TOPMASTS, power to make rules for striking, ...	XII	7, cl. (c)
TOYS, import duty on, ...	XVI	sch. A, No. 60
TRADE, implements of, exempt from attachment	XX	7
TRAFFIC, regulation of, across customs-line	VIII	7
TRANQUEBAR, (eastern group, Madras Presidency) port-dues in, ..	XII	45 & sch. I, pt. III
TRANSFER to high court of applications to discharge certain distresses	I	16
of police cases in presidency towns	X	147
of civil appellate jurisdiction of commissioner ...	XVII	23
of criminal jurisdiction of commissioner ...	"	36
of suit or appeal to recorder's court	"	58
of case to special court	"	77
TRAPS, licenses to use, ...	VII	4
TRAVANCORE, payment to government of, of duty collected on pepper exported from Cochin	XVI	8
TRIAL(S) when, may proceed immediately after amendment of charge	X	11
when, may be suspended or new, directed	"	12
separate, for each distinct offence	"	17
of more offences than one of same kind	"	18
of more offences than one	"	19, cl. (1)
of one offence falling within two or more definitions ...	"	19, cl. (2)
of two or more persons charged jointly	"	23
custody pending direction as to place of, ...	"	26
custody of European British subjects pending, ...	"	27
to be by jury	"	32
successive, by same jury	"	34
composition of jury in, of European British subjects	"	35
of European British subjects and natives jointly ...	"	36
native jointly charged may claim separate, ...	"	37
before special jury	"	38
of challenge to juror on cause shown	"	48
postponement and adjournment of, ...	"	66
resumption of, of person of unsound mind	"	122, 123
of offences under Indian Ports Act	XII	66
of suit or appeal in which presiding officer interested ...	XVII	19, 59
TROMBAY, (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
TRUST PROPERTY, probate valid as to, though not covered by court-fee	XIII VII of 1870	6 19 D

	Act.	Sec.
TUG-STEAMERS exempted from liability to report arrival ...	XII	49
TURPENTINE, penalty for boiling, within prohibited limits ...	XII	24
TUTICORIN, (eastern group, Madras Presidency) port-dues in, ...	XII	45 & sch. I, pt. III
TWIST, import duty on, ...	XVI	sch. A, No. 16
UMARSÁRI, (northern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
UMBARGÁM, (northern group, Bombay Presidency) port-dues in, ..	XII	45 & sch. I, pt. IV
UMBRELLAS, import duty on, ...	XVI	sch. A, No. 61
UNANIMITY, not necessary to delivery of verdict	X	96, 98
UNIFORMS, military and other, import duty on, ...	XVI	sch. A, No. 36
UNIONS OF PORTS, formation of, ...	XII	47
UNIVERSITY, see *Calcutta university.*		
UNMOORING, power to make rules as to, of vessels	XII	7, cl. (*g*)
UNSHIPMENT necessary for repair, not a discharge of cargo ...	XII	57
UNSOUND MIND, procedure in case of accused appearing to be of,	X	120
when accused is found of, ...	"	121
procedure on re-appearance of person of, ...	"	123
person of, acquitted on that ground how to be dealt with	"	125
procedure on report that person of, capable of making defence	"	127
where person of, declared fit to be discharged	"	128
See *Lunatic prisoner.*		
UNSUSTAINABLE CHARGE, effect of entry on, ...	X	14
UTAN, (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
VACANCY, discharge of duties of recorder in case of, ...	XVII	46
VACATIONS, see *Holidays.*		
VAKÍL of high court may appear without license	XVII	84, 87
VALIDITY of certain rules, conditions of, ...	XV IV of 1872	3 50 A
VALUATION of dutiable goods	XVI	6
VARIATION of rate of port-due	XII	46
VEGETABLES, import duty on, ...	XVI	sch. A, No. 22
VENGORLA (southern group, Bombay residency) port-dues in, ...	XII	45 & sch. I, pt. IV
VERÁVA (southern group, Bombay Presidency) port-dues in, ...	XII	45 & sch. I, pt. IV
VERDICT, amendment of charge before, ...	X	10
foreman of jury to deliver, ...	"	58, 94
of acquittal	"	62
to be on each charge	"	95
when jury not unanimous	"	96
conditions necessary to, ...	"	97
VESSEL(S) seizure and detention of, by court of enquiry ...	IV	15
defined	XII	4
procedure on, fouling buoy or moorings	"	14
power to board, in execution of duty	"	16
penalty for unlawfully loosening, from moorings ...	"	21
rule as to moving of, ...	"	38
what, to be provided with force pump, &c. ...	"	39
distress of, in default of payment of port-dues ...	"	52
in ballast, port-due on, ...	"	56
not discharging or taking in cargo or passenger, port-due on, ...	"	57

	Act.	Sec.
VESSEL(S)—(*contd.*)		
no port-due on, re-entering from stress of weather ...	XII	58
number of, to be hoisted at signal station ...	"	62
pilot may anchor, if master refuses to hoist number of,	"	64
chargeable with port-dues	"	45 & sch. I
VIEW BY JURY	X	64
VILLAGE COMMUNITIES, performance by village watchmen of duties for benefit of, ...	XV IV of 1872	2 39 A, cl. (*f*)
VILLAGE HEADMAN, power of nomination of watchman to be reserved to, ...	XV IV of 1872	2 39 A
exercise by, of authority over watchmen ...	XV IV of 1872	2 39 A, cl. (*g*)
performance by, of duties of watchman ...	XV IV of 1872	2 39 A, cl. (*h*)
exercise by, of powers, &c., of watchman ...	XV IV of 1872	2 39 A, cl. (*i*)
VILLAGE WATCHMEN, establishment of system of, ...	XV IV of 1872	2 39 A
VILLAGE WATCH TAX, rules for collection and application of, ...	XV IV of 1872	2 39 A, cl. (*k*)
VISITORS OF LUNATIC ASYLUM to visit lunatic prisoners and report	X	126
certificate of, receivable in evidence	"	127
VIZAGAPATAM (eastern group, Madras Presidency), port-dues in,	XII	45 & sch. I, pt. III
VIZIÁDURG (southern group, Bombay Presidency), port-dues in,	XII	45 & sch. I, pt. IV
VOUCHER to be granted for port-dues paid	XII	48
WARDS, see *Court of wards.*		
WARRANT of commitment, form of, ...	X	103
execution of, of attachment on non-appearance of accused	"	137
execution of, of attachment on forfeiture of recognizance of surety	"	138
for arrest of foreign deserter	XII	74
of arrest, see *Arrest.*		
WARP(S), conservator may cut, endangering safety of vessel ...	XII	10
penalty for refusing to allow, to be made fast to vessel ...	"	26
penalty for leaving out, after sunset	"	27
WARPING, power to make rules as to, of vessels	XII	7, cl. (*h*)
WATCHES, import duty on, ...	XVI	sch. A, No. 11
WATCH AND WARD, rules for the maintenance of, ...	XX	28
WATCHMAN'S BEATS, rules for definition of village, ...	XV IV of 1872	2 39A, cl. (*a*)
WEIRS, erection of, ...	VII	6
WHARF, power to remove things obstructing, ...	XII	11
WHIPPING, execution of sentence of, ...	X	108
sentence of, on escaped convict when to take effect ...	"	110
WILLS, rule of decision in questions regarding, ...	XX	5
WINES, see *Liquors.*		
WITHDRAWAL of exemption from hospital port-dues ...	XII	59
WITNESS(ES), arrest and detention of, by court of enquiry ...	IV	15
period of detention of, ...	"	15
may be bound over to give evidence	"	16
powers of pilot court as to attendance and examination of, ...	"	31
to entry and search of places of illicit manufacture of salt and saltpetre	VIII	19
may be recalled on amendment of charge ...	X	15

	Act.	Sec.
WITNESS(ES),—(*contd.*)		
examination of, ...	X	59
evidence of medical, ...	"	71
evidence of absent, ...	"	75 Exp.
commission for examination of, ...	"	76
person accepting tender of pardon may be examined as, ...	"	77
may be summoned at any stage	"	80
when warrant for arrest of, may be issued in first instance	"	81
procedure in respect of absconding, ...	"	82
disposal of attached property of, ...	"	83
arrest of, disobeying summons	"	84
refusing to answer or produce document ...	"	89
expenses of, ...	"	116
WOMAN, execution of sentence of death on pregnant, ...	X	114
WOMEN, apartments of, mode of entry and search of, ...	VIII	19
WOOLLEN GOODS, import duty on, ...	XVI	sch. A, No. 62
WORKING of village-watch system, rules for efficient, ...	XV IV of 1872	2 39 A, cl. (*l*)
WORLDLY AFFAIRS, relinquishment of, an objection to juror ...	X	54
WRECK, power to raise, ...	XII	15
salvage for recovery of, ...	"	43
application of proceeds of, ...	"	44
WRITING, opinion of assessors to be delivered in, ...	XVII	33, 50
YARDS, power to make rules for striking and rigging in, ...	XII	7, cl. (*c*)
YEARS, majority of twenty-one, to whom applicable ...	IX	3
majority of eighteen, to whom applicable	"	3
YESHWANTGARH, (southern group, Bombay Presidency), port-dues in, ...	XII	45 & sch. I, pt. IV
YOUTHFUL OFFENDERS, execution of sentence of imprisonment on,	X	112
ZAMÍNDÁR, see *Proprietor of land.*		
ZANÁNÁ, see *Apartments of women.*		

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CONTENTS.

PREAMBLE.

I. Preliminary.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
2. Enactments repealed.
3. Interpretati n-clause.

II. Bailiffs and Appraisers.

4. Appointment of bailiffs and appraisers.
5. Security to be given by appointees.

III. Issue of Distress-Warrants.

6. Application for distress-warrant.
7. Issue of distress-warrant.

IV. Of the making of Distresses.

8. Time for distress.
9. What places bailiff may force open.
10. Property which may be seized.
11. Impounding distress.
12. Inventory.
    Notice of intended appraisement and sale.
    Copies of inventory and notice to be filed.

V. Of Applications to discharge Distresses, and of Compensation.

13. Application to discharge or suspend warrant.
14. Claim to goods distrained made by a stranger.
15. Power to award compensation to debtor or claimant.
16. Power to transfer to High Court cases involving more than Rs. 1,000.

VI. Appraisement and Sale of Distress.

17. Appraisement.
    Notice of sale.
18. Sale.
    Application of proceeds.

VII. Miscellaneous.

[*Price three annas and six pies.*]

VII. Miscellaneous.

SECTIONS.

19. Costs of distresses.
20. Account of costs and proceeds.
21. Bar of distresses except under this Act.
Penalty for making illegal distresses.

THE FIRST SCHEDULE.

Forms.

THE SECOND SCHEDULE.

Enactments repealed.

ACT No. I of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th January 1875).

An Act to regulate Distresses for Rents in the Presidency Towns.

FOR the purpose of regulating distresses for rents in the Towns of Calcutta, Madras and Bombay; It is hereby enacted as follows :— Preamble.

I. Preliminary.

1. This Act may be called "The Distress Act, 1875," and it shall come into force at once. Short title. Commencement.

It extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay; Local extent.

But nothing herein contained applies—

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section six.

2. The enactments specified in the second schedule hereto annexed are repealed to the extent mentioned in the third column of the same schedule. Enactments repealed.

All appointments made and securities given under any of the said enactments shall be deemed to be respectively made and given under this Act.

The reference to Act No. VII of 1847 made in Act XXIII of 1850, section three, shall be read as if made to this Act.

3. In this Act, "Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta, Madras or Bombay, as the case may be. "Court of Small Causes" defined.

II. Bailiffs

II. Bailiffs and Appraisers.

Appointment of bailiffs and appraisers.

4. The Judges of the Court of Small Causes may appoint four or more persons to be bailiffs and appraisers for the purpose of this Act, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

Security to be given by appointees.

5. The persons so appointed shall give security to be approved by the said Judges faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

III. Issue of Distress-Warrants.

Application for distress-warrant.

6. Any person claiming to be entitled to arrears of rent of any house or premises to which this Act extends, or his duly constituted attorney, may apply to any Judge of the Court of Small Causes for such warrant as hereinafter mentioned.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the first schedule hereto annexed.

Issue of distress-warrant.

7. The Judge may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form contained in the same schedule (marked B) addressed to any one of such bailiffs.

The Judge may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

IV. Of the making of Distresses.

Time for distress.

8. Every distress under this Act shall be made after sunrise and before sunset, and not at any other time.

What places bailiff may force open.

9. The bailiff directed to make the distress may force open any stable, out-house, or other building, and may also enter any dwelling-house, the outer door of which may be open and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Act.

Provided

Provided that he shall not enter or break open the door of any room appropriated for the zanáná or residence of women, which by the usage of the country is considered private.

Property which may be seized

10. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress.

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use, where there is other moveable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law.

Impounding distress.

11. The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

Inventory.

Notice of intended appraisement and sale.

12. On seizing any property under section ten, the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the Form in the first schedule hereto annexed (marked C) to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Copies of inventory and notice to be filed.

The bailiff shall, as soon as may be, file in the Court of Small Causes copies of the said inventory and notice.

V. Of Applications to discharge Distresses, and of Compensation.

Application to discharge or suspend warrant.

13. The debtor, or any other person alleging himself to be the owner of any property seized under this Act, may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend

suspend such warrant or release such article accordingly, upon such terms as he thinks just,

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

Claim to goods distrained made by a stranger.

14. If any claim be made to, or in respect of, any property seized under this Act, or in respect of the proceeds or value thereof, by any person not being the debtor, the Chief Clerk of the Court of Small Causes, upon the application of the bailiff who seized the property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Courts of Small Causes in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

Power to award compensation to debtor or claimant.

15. In any case under section thirteen or section fourteen the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

and may for that purpose make any enquiry he thinks necessary;

and

and the order of the Judge awarding or refusing such compensation shall bar any suit in respect of injury caused by the distress.

Power to transfer to High Court cases involving more than Rs. 1,000.

16. In any application under section thirteen or any claim under section fourteen, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court to transfer the case to itself, and the High Court on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Court of Small Causes, and may make such order therein as the High Court thinks fit.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of, or giving security for, costs or otherwise as it thinks fit.

The procedure in cases transferred under this section shall conform as far as may be to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction; and every such order awarding or refusing compensation shall bar any suit in respect of injury caused by the distress which gave rise to the case wherein such order was made.

VI. Appraisement and Sale of Distress.

Appraisement.

Notice of sale.

17. In default of any order to the contrary by a Judge of the Court of Small Causes, or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this Act, appraise the property so seized, and give the debtor notice in writing to the effect of the Form in the first schedule hereto annexed (marked D).

The

The bailiffs shall file in the same Court a copy of every notice given under this section.

Sale.

18. In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Chief Clerk of the Court of Small Causes, and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Application of proceeds.

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

VII. Miscellaneous.

Costs of distresses.

19. No costs of any distress under this Act shall be taken or demanded except those mentioned in the part of the first schedule hereto annexed (marked E).

The Judges of the Court of Small Causes may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs, as appears to the said Judges expedient.

Account of costs and proceeds.

20. The Chief Clerk of the Court of Small Causes shall keep a book in which all sums received as costs upon distresses made under this Act, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses shall be duly entered.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this Act.

Bar of distresses except under this Act.

21. No distress shall be levied for arrears of rent, except under the provisions of this Act;

Penalty for making illegal distresses.

And any person, except a bailiff appointed under section four, levying or attempting to levy any such distress shall, on conviction before a Magistrate of Police, be liable to be punished by fine not exceeding five hundred rupees and imprisonment for a term not exceeding three months, in addition to any other liability he may have incurred by his proceedings.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

A.

[*See section* 6.]

In the Court of Small Causes for

A. B.——(Plaintiff).

versus

C. D.——(Defendant).

A. B. of——, in the town of——, maketh oath [*or* affirms] and saith that *C. D.*——, of——, is justly indebted to——in the sum of Rs.——for arrears of rent of the house and premises No.——, situated at——, in the town of——, due for——month, to wit from——to——, at the rate of Rs.——per mensem.

Sworn [*or* Affirmed] before me the——day of——187 .

Judge.

B.

[*See section* 7.]

In the Court of Small Causes for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of *C. D.*, on the house and premises situate at No.——, in the town of——, for the sum of——Rs. and the costs of the distress, according to the provisions of The Distress Act, 1875. Dated day of

(Signed and sealed)

To *E. F., Bailiff and Appraiser.*

C.

[*See section* 12.]

In the Court of Small Causes for

FORM OF INVENTORY AND NOTICE.

(State particulars of property seized.)

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of——Rs., being the amount of——months' rent due to *A. B.* at——last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Judges of the Court of Small Causes to the contrary, the same will be appraised and sold pursuant to the provisions of The Distress Act, 1875. Dated the day of 187 .

(Signed) *E. F.,*
Bailiff and Appraiser.

To *C. D.*

D.

[*See section* 17.]

In the Court of Small Causes for

Take notice that we have appraised the moveable property seized on the ———— day of ———— , under the provisions of The Distress Act, 1875, of which a notice and inventory were duly served upon you [*or* upon ———— on your behalf, *as the case may be*] under date the ————, and that the said property will be sold on the ———— [*two clear days at least after the date of the notice*] at ———— pursuant to the provisions of the said Act. Dated this—— day of ———— 187—.

(Signed) *E. F.*
G. H.
Bailiffs and Appraisers.

To *C. D.*

E.

[*See section* 19.]

In the Court of Small Causes for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

Sums sued for.			Affidavit and warrant to distrain.			Order to sell.			Commission.			Total.		
Rs.		Rs.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1 and under		5	0	4	0	0	8	0	0	8	0	1	4	0
5	"	10	0	8	0	0	8	0	1	0	0	2	0	0
10	"	15	0	8	0	0	8	0	1	8	0	2	8	0
15	"	20	0	8	0	1	0	0	2	0	0	3	8	0
20	"	25	0	12	0	1	0	0	2	8	0	4	4	0
25	"	30	1	0	0	1	0	0	3	0	0	5	0	0
30	"	35	1	0	0	1	0	0	3	8	0	5	8	0
35	"	40	1	0	0	1	8	0	4	0	0	6	8	0
40	"	45	1	4	0	2	0	0	4	8	0	7	12	0
45	"	50	1	8	0	2	0	0	5	0	0	8	8	0
50	"	60	2	0	0	2	0	0	6	0	0	10	0	0
60	"	80	2	8	0	2	8	0	6	8	0	11	8	0
80	to	100	3	0	0	3	0	0	7	0	0	13	0	0
Upwards of Rs. 100...		...	3	0	0	3	0	0	7 per centum					

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons were kept in charge of property distrained, four annas per day must be paid per man.

THE SECOND SCHEDULE.

THE SECOND SCHEDULE.

I.—Statutes.

Year and Chapter.	Subject.	Extent of repeal.
52 Hen. 3, c. 1	Distress	The whole.
c. 3	Resisting replevins	Ditto.
c. 4	Distress	Ditto.
c. 15	Ditto	Ditto.
c. 21	Replevin	Ditto.
13 Ed. 1, c. 2	Replevins	Ditto.
c. 37	Distress to be by bailiffs	Ditto.
Les Estatuz del Escheker, between c. 13 and c. 14 of 17 Edw. 2.	Distresses	Ditto.
1 & 2 Phil. & M., c. 12	Impounding distresses	Ditto.
17 Char. 2, c. 7	Distresses	Ditto.
2 Wm. & Mary, c. 5	Sale of distresses	Ditto.

II.—Acts.

Number and Year.	Subject.	Extent of repeal.
VII of 1847 ...	Distresses for small rents in Calcutta...	The whole.
IX of 1850 ...	Extension of Act VII of 1847 ...	Section eighty-nine.
XXVI of 1864 ...	Extending jurisdiction of Presidency Small Cause Courts.	Section four.

Office Supdt Govt Printing.—No. 549 L. D.—2-2-75.—3,400.

ACT No. II of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th January 1875).

An Act to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority.

WHEREAS it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality, and to extend the local limits of the authority of properly reported decisions of the High Courts of Judicature established under the twenty-fourth and twenty-fifth of Victoria, cap. 104: Preamble.

And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the said High Courts, to be called the Indian Authorized Law Reports; It is hereby enacted as follows:—

1. This Act may be called "The Indian Law Reports Act, 1875:" Short title.

It extends to the whole of British India; Local extent.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India.* Commencement.

2. Every judgment delivered on or after such day by any of the said High Courts (whether by a Judge sitting alone, or by a Division Court, or by a Full Bench) and reported in the said Indian Authorized Law Reports, shall have the same authority in all subordinate Courts beyond the limits of the appellate jurisdiction of such High Court as, independently of this Act, it would have within such limits. Limits of authority of authorized reports extended.

3. No

[*Price one anna and three pies.*]

Authority given only to authorized reports after passing of Act.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

Authority of judicial decisions.

4. Save as provided by section two, nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

Office of Supdt. Govt. Printing.—No. 560 L. D.—30-1-75.—3,400.

ACT No. III of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd February 1875).

An Act to correct a clerical error in the Repealing Act, 1874.

Preamble.

FOR the purpose of correcting a clerical error in Act No. XVI of 1874; It is hereby enacted as follows:—

Amendment of Act XVI of 1874, schedule I, Part I.

1. In the third column of the first Part of the schedule to the said Act, opposite to "V of 1874," for the word "two," the word "one" shall be, and be deemed to have always been, substituted.

[*Price one anna.*]

Office Supdt. Govt. Printing.—No. 599 L. D.—5-2-75.—2,400

THE INDIAN MERCHANT SHIPPING ACT, 1875.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Extent.
   Commencement.
2. Repeal of enactments.

CHAPTER II.

INVESTIGATIONS INTO LOSSES OF SHIPS AND CHARGES AGAINST MASTERS, MATES OR ENGINEERS.

3. Notice of accidents to be given to Local Government.
4. Power to appoint special Court of Enquiry.
5. Courts authorized to investigate charges against Masters, &c.
   Assessor.
6. Communication to Court of grounds for charging Master, &c., with incompetency, &c.
7. Communication of grounds of charge to certificate-holder.
8. Powers of special Court.
9. Procedure on discovery in course of investigation of grounds for charging with incompetency, &c.
10. Powers of Court in making investigation.
11. Report by Court to Local Government.
12. Statement of decision in open Court.
13. Transmission of report and certificate to Board of Trade.
14. Preliminaries to cancellation or suspension.
15. Power to arrest witnesses and cause entry and detention of vessels.
16. Power to commit for trial.
    Power to bind over persons to give evidence.
    Depositions.
17. Chapter II applied to charges against holders of certificates from Local Government.

CHAPTER III.

[*Price four annas*].

CHAPTER III.

Suspension and Cancellation of Certificates granted by Local Governments.

Sections.

18. Local Government may suspend or cancel certificates—
(a) after investigation under this Act;
(b) after enquiry under Merchant Shipping Act, 1854, or by Naval Court;
(c) after supersession;
(d) after conviction of any offence.
19. Master, &c., to deliver up certificate.
20. Report to other Local Governments.
21. Report to Board of Trade.
22. Power to revoke cancellation or suspension.
Power to grant new certificate.
23. Saving of powers conferred on certain Admiralty Courts.
Exercise of such powers by chief criminal Courts in Indian ports.

CHAPTER IV.

Agreements with Seamen.

24. Masters to enter into agreements with seamen.
25. Form and contents of agreement.
26. Provision where lascars are shipped.
27. Forms for British or Colonial ships.

CHAPTER V.

Miscellaneous.

28. Sections 3 to 27 to be taken as part of Act I of 1859.
29. Provisions as to examinations, &c., of Masters not to apply to certain ships.
30. Amendment of Act X of 1841, sections 2, 15, 17 and 23.
31. Powers of Pilot Court.

ACT No. IV of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 9th February* 1875).

An Act for the further amendment of Act No. I of 1859, and for other purposes.

Preamble.

WHEREAS Act No. I of 1859 (*for the amendment of the law relating to Merchant Seamen*), section one hundred, provides that, in the cases of loss, abandonment, damage, or casualty therein mentioned, it shall be lawful for the Local Government, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same, and declares that one of such persons shall be a Magistrate acting in or near the place where the investigation is made, and that the other may be any person conversant with maritime affairs :

And whereas it is expedient in many cases that such investigations shall be made by persons more in number and of more varied qualifications :

And whereas it is also expedient to provide efficient means for enforcing the attendance of witnesses in such investigations and in trials under Act No. XII of 1859 (*to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty*) ;

And whereas it is expedient to repeal Act No. XV of 1863 (*to amend Act I of* 1859) and to re-enact certain of its provisions with the amendments hereinafter appearing ;

And whereas it is provided by Act No. X of 1841, sections two, fifteen, seventeen and twenty-three, that the persons guilty of the offences therein respectively mentioned

mentioned shall be liable upon conviction by information by the Advocate General to the penalties therein respectively provided:

And whereas it is expedient to render the said penalties recoverable otherwise than on information by the Advocate General;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Merchant Shipping Act, 1875;"

Extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Repeal of enactments.

2. Sections one hundred, one hundred and one and one hundred and two of Act I of 1859 and the whole of Act XV of 1863, are hereby repealed.

But every enquiry now pending, which has been commenced under any enactment so repealed, shall be deemed to have been commenced under this Act.

CHAPTER II.

INVESTIGATIONS INTO LOSSES OF SHIPS AND CHARGES AGAINST MASTERS, MATES OR ENGINEERS.

Notice of accidents to be given to Local Government.

3. In any of the cases following (namely):—

(*a*) whenever any ship is lost, abandoned or materially damaged on or near the coasts of India;

(*b*) whenever any ship causes loss or material damage to any other ship on or near such coasts;

(*c*) whenever by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues;

(*d*) whenever any such loss, abandonment, damage or casualty happens elsewhere to or on board any ship registered at any port or place in India, under the Merchant Shipping Act, 1854, or under Act X of 1841;

the

the master, pilot, harbour-master, or other person in charge of the ship, or, in cases under clause (*b*) of this section, of each ship, at the time of the loss, abandonment, damage or casualty, or, where any ship above referred to arrives in British India, the person then in charge of her, shall, on arriving in British India, give immediate notice of such loss, abandonment, damage or casualty to the nearest Magistrate, or, if he arrive at any port, then to such officer as the Local Government appoints in this behalf.

Any person bound to give notice under this section and wilfully failing to give the same shall be liable to fine not exceeding five hundred rupees and, in default of payment, to simple imprisonment for a term which may extend to three months.

The Magistrate or officer receiving such notice shall without delay communicate the same to the Local Government.

Power to appoint special Court of Enquiry.

4. If in any such case a formal investigation appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, to make such investigation, and may fix the place for making the same.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made, another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

Courts authorized to investigate charges against Masters, &c.

5. Every Court having admiralty jurisdiction in India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, at the instance of the Local Government, or of such officer as the Local Government may have empowered in this behalf, to investigate charges of incompetency or misconduct on the part of any Master, Mate or Engineer of any ship, who holds a certificate granted by the Board of Trade, or as to shipwreck or other casualties affecting ships.

Every

Assessor.

Every such Court may, if it think fit, constitute as its assessor for the purposes of the investigation any person conversant with maritime affairs and willing to act as such assessor.

Such person shall attend during the investigation and deliver his opinion in writing to be recorded on the proceedings. But the decision of the case shall rest with the Court.

Communication to Court of grounds for charging Master, &c., with incompetency, &c.

6. If the Local Government has reason to think that there are grounds for charging any Master, Mate or Engineer holding a certificate granted by the Board of Trade with incompetency or misconduct, it shall transmit a statement of such grounds to the Court making the investigation.

Communication of grounds of charge to certificate-holder.

7. If the investigation involves a charge of incompetency or misconduct against any person holding such certificate as aforesaid, the Court shall, if practicable, before commencing the investigation, cause the holder of such certificate to be furnished with a copy of the statement transmitted by the Local Government as aforesaid.

Powers of special Court.

8. For the purpose of the investigation the special Court, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have the same powers as if such investigation were a proceeding relating to an offence or cause of complaint upon which the said Magistrate has power to convict.

Procedure on discovery in course of investigation of grounds for charging with incompetency, &c.

9. If, in the course of an investigation under this Act by any of the Courts hereinbefore mentioned, it appears that there are grounds for charging with incompetency or misconduct any holder of such certificate as aforesaid not so charged by the Local Government, the Court may cause a statement of such grounds to be furnished to such holder, and may then commence an investigation into such charge of incompetency or misconduct.

Powers of Court in making investigation.

10. For the purpose of such investigation such Court may summon the Master, Mate or Engineer to appear, and shall give him full opportunity of making a defence,

a defence, either in person or otherwise,

and may summon and examine witnesses.

11. The Court shall in all cases transmit to the Local Government a full report of the conclusions at which it has arrived.

Report by Court to Local Government.

12. If the Court decide that any such certificate as aforesaid shall be cancelled or suspended, it shall so state in open Court, at the conclusion of the case or as soon afterwards as possible.

Statement of decision in open Court.

13. When the Court decides to cancel or suspend a certificate, it shall send a full report upon the case with the evidence and the suspended or cancelled certificate through the Local Government to the Board of Trade.

Transmission of report and certificate to Board of Trade.

14. Provided that no certificate shall be cancelled or suspended—

Preliminaries to cancellation or suspension.

(*a*) unless the person holding the certificate has before the commencement of the investigation been furnished with a copy of the statement of the case upon which the investigation has been ordered;

(*b*) if the Court be a Court of Admiralty or of ordinary criminal jurisdiction, unless the report be confirmed by the Local Government;

(*c*) if the Court be a Court of Admiralty or of ordinary criminal jurisdiction, attended by an assessor, unless the assessor expresses his concurrence in the report.

15. If any Court making an investigation under this Act thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject nevertheless to any general or special instructions from the Local Government) to enter any vessel.

Power to arrest witnesses and cause entry and detention of vessels.

Any officer so authorized to enter a vessel may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest;

and

and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section one hundred and eighty-six.

No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial.

16. Whenever in course of any investigation under this Act, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at such trial, and may for the purposes of this section exercise all the powers of a Magistrate of the first class or of a Justice of the Peace:

Power to bind over persons to give evidence.

Depositions.

And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making investigations under this Act shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

Chapter II applied to charges against holders of certificates from Local Government.

17. All the foregoing provisions of this chapter, except such as require reports to and communications with the Board of Trade, or relate to the actual cancellation or suspension of certificates, shall be applicable also to charges of incompetency or misconduct against any Master, Mate or Engineer who holds a certificate granted by any Local Government.

CHAPTER III.

CHAPTER III.

SUSPENSION AND CANCELLATION OF CERTIFICATES GRANTED BY LOCAL GOVERNMENTS.

18. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, to any Master, Mate or Engineer, in the following cases; (that is to say)—

Local Government may suspend or cancel certificates—

(*a.*) If upon any investigation made under this Act, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or the Master, Mate or Engineer is reported to be incompetent, or to have been guilty of any gross act of drunkenness, tyranny or other misconduct:

(*a*) after investigation under this Act;

(*b.*) If upon any enquiry made under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any enquiry made by a Naval Court constituted as is provided by any law for the time being in force, or upon any enquiry made by any Court or tribunal for the time being authorized in any British possession to enquire into charges of incompetency or misconduct on the part of Masters, Mates or Engineers of ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of the Master, Mate or Engineer; or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct:

(*b*) after enquiry under Merchant Shipping Act, 1854, or by Naval Court;

(*c.*) If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force:

(*c*) after supersession;

(*d.*) If he is shown to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony:

(*d*) after conviction of any offence.

Provided that no certificate shall be suspended or cancelled under clause (*a*) of this section unless the Local Government is satisfied that the holder of the certificate

certificate had before, or within a reasonable time after, the commencement of the investigation notice of the nature of the charge made and established against him.

The Local Government may, if it thinks the justice of the case requires it, re-issue and return any certificate which has been cancelled or suspended under this section, or shorten the time for which it has been suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

Master, &c., to deliver up certificate.

19. Every Master, Mate or Engineer whose certificate is cancelled or suspended under this chapter, shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default shall, for each offence, incur a penalty not exceeding five hundred rupees.

Report to other Local Governments.

20. If the Local Government which cancels or suspends a certificate of a Master, Mate or Engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate.

Report to Board of Trade.

21. Every Local Government cancelling or suspending under this chapter the certificate of a Master, Mate or Engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Whenever it is reported to the Local Government that the loss or abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a Master, Mate or Engineer holding a certificate from the said Board, or that such Master, Mate or Engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, the Local Government, if it concur in such report, shall send a copy of the same to the Board of Trade.

22. Any

22. Any Local Government may at any subsequent time revoke any order of cancelment or suspension which it may have made under this Act, or grant to any person whose certificate it has cancelled under this Act, a new certificate of the same or of any other grade.

Power to revoke cancellation or suspension.

Power to grant new certificate.

Notice of every revocation and of every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

23. Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of the said Act I of 1859, on Courts having admiralty jurisdiction in India.

Saving of powers conferred on certain Admiralty Courts.

The said powers may be exercised by the principal Court of ordinary criminal jurisdiction at any port in India where there is no Court having admiralty jurisdiction, if the Master, Mate or Engineer has received his certificate from any Local Government.

Exercise of such powers by chief criminal Courts in Indian ports.

CHAPTER IV.

Agreements with Seamen.

24. The Master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any port in India as one of his crew, in the manner hereinafter mentioned.

Masters to enter into agreements with seamen.

25. Every such agreement shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the Master before any seaman signs the same, and shall contain the following particulars as terms thereof; (that is to say)—

Form and contents of agreement.

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman; and

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by Government as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

Provision where lascars are shipped.

26. When it is agreed that the service of any lascar or other Native seaman shall end at any port not in India, the agreement shall, in addition to the particulars specified in section twenty-five, contain stipulations for providing for him fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the Master on his behalf.

EXPLANATION:—In this section the word 'seaman' includes also a Native of India carried to sea from any port in India as one of the crew of a ship.

Forms for British or Colonial ships.

27. If the Master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to

to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman in any port in India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

CHAPTER V.

MISCELLANEOUS.

Sections 3 to 27 to be taken as part of Act I of 1859.

28. Sections three to twenty-seven (both inclusive) shall be read with and taken as part of the said Act No. I of 1859.

Provisions as to examinations, &c., of Masters not to apply to certain ships.

29. Sections nine to sixteen (both inclusive) of the said Act No. I of 1859 shall not apply to ships registered under the said Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

Amendment of Act X of 1841, secs. 2, 15, 17 and 23.

30. In the said sections two, fifteen, seventeen and twenty-three of the said Act No. X of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted (namely):—"on conviction before a Justice of the Peace or a Magistrate of the first class."

Powers of Pilot Court.

31. The Court conducting a trial under the said Act No. XII of 1859, shall have the same powers to compel the attendance and examination of witnesses as are conferred by this Act on Courts making investigations under section four.

Office Supt. Govt. Printing—No. 639 L. D.—19-2-75.—3,400.

ACT No. V of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 9th February* 1875).

An Act to remove doubts as to the rights and liabilities of certain Native Soldiers.

Preamble.

WHEREAS doubts have arisen as to the rights and liabilities of certain Native Soldiers who have been enrolled without having been attested, and it is expedient to remove such doubts; It is hereby enacted as follows:—

Validation of enlistment of certain Native soldiers.

1. Every person who has for the space of six months been in the receipt of military pay and been borne on the rolls of any Regiment, Corps, Depôt, Ordnance Establishment, or Department of Her Majesty's Indian Army (of which the last pay-statement, if produced, shall be evidence), shall be deemed to have been duly enlisted, enrolled and attested, and shall not be entitled to claim his discharge on the ground of illegality or irregularity in his enlistment, enrolment or attestation, or on any other ground save such as may be recognised by the orders and customs of the service.

(*Price one anna*).

Office Supdt. Govt. Printing.—No. 640 L. D.—19-2-75.—3,400.

ACT No. VI of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd February 1875).

An Act to secure the repayment of a Loan by the Government of India to Sir Jamsetjee Jeejeebhoy, Baronet.

Preamble. Patent of Baronetcy.

WHEREAS by Letters Patent of Her Majesty dated the sixth day of August, 1858, and by Warrant under the Queen's sign-manual, Her said Majesty conferred upon Sir Jamsetjee Jeejeebhoy, then of Bombay, Knight, but since deceased, the dignity of Baronet, to hold the same to him and the heirs male of his body :

Trustees under Act XX of 1860.

And whereas by an Act of the Legislative Council of India numbered XX of 1860, and entitled "An Act for settling Promissory Notes of the Government of India producing an annual income of one lákh of Rupees and a Mansion-house and hereditaments called 'Mazagon Castle,' in the Island of Bombay, late the property of Sir Jamsetjee Jeejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith," certain officers therein mentioned were constituted Trustees for executing the powers and purposes of such Act :

Government Promissory Notes producing an annual income of one lákh

And it was thereby enacted that, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees should be transferred into the names of the said Trustees upon trust, amongst

[*Price one anna six pie.*]

vested in Trustees.

Trusts of the income.

amongst other things, from time to time to pay and apply the annual income of the said securities unto and for the benefit of the present Baronet, Sir Jamsetjee Jeejeebhoy, and the person who, as heir male of the body of the said first Baronet, should, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, and in default of heirs male of the body of the said first Baronet to whom the same dignity of Baronet might descend, upon trust for the present Baronet, his executors, administrators and assigns:

Alienation prohibited during the Baronetcy.

And it was by the said Act further enacted that, subject as therein mentioned, so long as the said dignity of Baronet should endure, and until there should be a failure of heirs male of the body of the said first Baronet to whom the said dignity might descend, neither the said present Baronet nor any of the heirs male of the body of the said first Baronet in whose favour trusts were thereinbefore declared of the annual income of the said securities, should convey, charge, or encumber the said securities, or any part thereof, or the annual income thereof, or of any part thereof, for any greater or larger estate or interest than during his natural life, and for such portion thereof only as he should continue to use the names of "Jamsetjee Jeejeebhoy," nor should have any power to discontinue or bar the estate of any person or persons for whose benefit trusts were declared by the said Act of the annual income of the said securities, or to prevent any such person or persons from succeeding to the same; nor should the same be held to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he should continue to use the names of "Jamsetjee Jeejeebhoy;" and every attempt to make any assurance contrary to the intention of the said Act was thereby declared to be void:

And whereas, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees

rupees were transferred into the names of the said trustees upon the trusts aforesaid:

And whereas, since the said transfer, part of the said promissory notes, producing an annual income of five thousand rupees, has been paid off by the Government of India; and the annual income of the promissory notes vested in the said trustees upon the trusts aforesaid was thereby reduced to ninety-five thousand rupees:

And whereas the said present Baronet has three sons only (namely), Manakjee Cursetjee Jamsetjee, Cowasjee Cursetjee Jamsetjee, and Jamsetjee Cursetjee Jamsetjee who is a minor:

Agreement for loan.

And whereas the said present Baronet recently applied to the Government of India to advance and lend to him the sum of four and a half lákhs of rupees, to be applied to purposes beneficial to himself and his said sons, which the Government of India agreed to do upon having the repayment thereof with interest secured in manner hereinafter mentioned:

Advance of loan.

And whereas, in pursuance of the said agreement, the sum of four and a half lákhs of rupees has been advanced and lent to the said present Baronet:

Concurrence of present Baronet's sons.

And whereas the said Manakjee Cursetjee Jamsetjee and Cowasjee Cursetjee Jamsetjee by themselves, and the said Jamsetjee Cursetjee Jamsetjee by his guardian, have agreed to the arrangement intended to be effected by this Act;—

It is hereby enacted as follows:—

Withholding interest on notes in discharge of loan.

1. In consideration of the premises, and notwithstanding anything contained in the said recited Act, the Government of India shall withhold out of said sum of ninety-five thousand rupees, being the interest on the said promissory notes now vested in the said trustees, the annual sum of forty thousand rupees during the term of seventeen years from the date of the passing of this Act, unless the said sum of four and a half lákhs of rupees with interest thereon at five per cent. per annum has been sooner discharged.

Office Supdt. Govt. Printing—No. 698 L D.—1-3-75—3,400.

ACT No. VII of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd February 1875).

An Act to regulate Fisheries in British Burma.

Preamble.

WHEREAS the exclusive right of fishing in British Burma in such fisheries as are hereinafter mentioned belongs by the custom of the country to the Government:

And whereas it is expedient to provide for the protection of this right, and for conceding the enjoyment of it to the public or to individuals gratuitously, or in consideration of fees or rent, and subject to suitable restrictions and conditions;

It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Burma Fisheries Act, 1875":

Local extent.

It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma;

Commencement.

And it shall come into operation on the first day of April 1875.

Interpretation-clause.

2. In this Act—

"Fish."

"Fish" includes also shell-fish:

"Fishery."

"Fishery" means any collection of water, running or still, tidal or non-tidal, which is itself of a permanent nature, or is connected with some waters of a permanent nature, and in which fish or turtle may be found. It includes the sea:

"To fish."

"To fish" includes to catch turtle or collect their eggs; and

"Fixed engine"

[*Price two annas.*]

"Fixed engine."

"Fixed engine" means any fixed implement or engine for catching or for facilitating the catching of fish, and includes a net secured by anchors, or otherwise temporarily fixed to the soil.

II.—Rights of Fishery.

Right of fishery.

3. No right to fish in any fishery shall be deemed to have been acquired by the public or by any person, either previously to the passing of this Act or subsequently thereto, except in one of the modes hereinafter described:

Angling.

But nothing herein contained shall be held, nor shall the giving of any grant, lease, license or permission under this Act be held, to prevent the public from angling with a rod and line only in any fishery:

Proviso.

provided that such angling may, in any case, with the previous sanction of the Chief Commissioner, be forbidden by a proclamation issued by the Deputy Commissioner of the District in which such fishery is situate for such time as may be fixed by such proclamation:

And nothing herein contained shall prejudice or derogate from any express grant of a right to fish heretofore made by the British Government.

Disposal of right of fishery.

4. The Deputy Commissioner of any District may, subject to such rules, conditions and restrictions as may be prescribed by the Chief Commissioner in this behalf, dispose of the right of fishing in any fishery situate within his District, or specially placed under his charge by the Chief Commissioner, in any one of the following modes, that is to say,

(*a*) he may declare such fishery open to the public, or to the inhabitants of any town or village, or to any other class of persons:

(*b*) he may lease the exclusive right of fishing in such fishery to any person; or

(*c*) he may, where he has not disposed of the right of fishing in any of the foregoing modes, grant licenses to any number of persons to use nets, traps

traps and other implements for fishing in such fishery,

and (subject as aforesaid) he may declare that any fishery shall cease to be a fishery for the purposes of this Act.

All such declarations, leases and licenses made and granted by the British Government before this Act comes into operation and then in force shall be deemed to have been respectively made and granted under this section.

Declarations made before 1st April 1875.

5. All fees, rents and other moneys due to Government in respect of any lease, license or permission granted under this Act, may be recovered in the manner prescribed by the law for the time being in force for the recovery of arrears of revenue.

Recovery of fees, rents, &c.

III.—Erection of Weirs.

6. No weir or other fixed obstruction, and no fixed engine tending to hinder the movements of fish, or to interfere with the flow of the water, or to impede navigation, shall be erected, placed, maintained, or used in any fishery, or in waters connected with any fishery, by a grantee or lessee, or by any other person whomsoever, without a special permission in that behalf under the hand of the Deputy Commissioner of the District in which such fishery is situate.

Weirs not to be erected without sanction of Deputy Commissioner.

IV.—Penalties.

7. Any person who commits any of the following offences, (namely)—

Penalties.

(*a*) fishes in any fishery not having a right to fish therein,

(*b*) erects, places, maintains or uses any fixed obstruction or fixed engine in a fishery, or in waters connected therewith, without being specially permitted to do so under section six,

(*c*) puts or knowingly permits to be put, or causes or knowingly permits to flow, into any fishery, any solid or liquid matter to such an extent as to poison or kill, or to cause the water to poison or kill, fish,

(*d*) interferes

(*d*) interferes with, or makes any demand in consideration of, the lawful use of the water of any fishery for purposes unconnected with the taking of fish,

shall be punished, for a first offence, with imprisonment for a term not exceeding three months, or a fine not exceeding two hundred rupees, or both;

and, for a second offence, with imprisonment for a term not exceeding six months, or a fine not exceeding five hundred rupees, or both.

Forfeiture of obstructions.

And any obstruction or engine erected, placed, maintained or used in contravention of section six, and any fish taken by means of such obstruction or engine, or otherwise in contravention of this Act, or of any rules made hereunder and for the time being in force, shall be forfeited.

Removal of obstructions.

And such obstruction or engine may be removed or taken possession of by the Deputy Commissioner or such person as he empowers in this behalf.

And the expense (if any) of such removal may be recovered from the person erecting, placing, maintaining or using the obstruction or engine so removed, as if it was an arrear of revenue.

V.—Subsidiary Rules.

Power to make rules.

8. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules for all or any of the following purposes:—

(*a*) for the survey and demarcation of the limits of fisheries;

(*b*) for determining in which of the modes mentioned in section four, the right to fish in each fishery shall be disposed of;

(*c*) for regulating the conditions on which, and the procedure by which, fisheries may be opened to the public or granted or let on lease to individuals;

(*d*) for fixing the rates at which, and the conditions on which, licenses to use implements for fishing may be granted;

(*e*) for

(*e*) for settling the terms and conditions on which permission to erect, place, maintain or use fixed obstructions and engines in fisheries or waters connected therewith may be granted;

(*f*) for making and maintaining free gaps in weirs;

and generally to carry out the purposes of this Act.

9. The Chief Commissioner may, with the like sanction, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both. Penalty for breach of rules.

10. All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law. Publication of rules.

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THE INLAND CUSTOMS ACT, 1875.

CONTENTS.

PREAMBLE.

CHAPTER I.—PRELIMINARY.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
   Power to extend Act.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.—OF THE IMPORT OF SALT AND EXPORT OF SUGAR.

4. Regulation of the import of salt, and export of sugar.
5. Power to levy duties.
6. Power to define a customs-zone and establish a customs-line.
   'Customs-officer.'
   'Customs-zone.'
   'Customs-line.'
7. Effect of establishing a customs-zone and customs-line.
   (*a.*) Salt when imported.
   (*b.*) Sugar when exported.
   (*c.*) Possession of salt within customs-zone.
   (*d.*) Traffic crossing customs-line.
8. Levy of salt-duty in Central Provinces.
9. Power to regulate collection of duties and import and export of goods.

CHAPTER III.—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE.

10. Power of Governor General in Council
    (*a*) to regulate manufacture and refining of salt and saltpetre;
    (*b*) to fix fees for licenses;
    (*c*) to impose a duty on manufacture of salt;
    (*d*) to reduce or remit duties;
    (*e*) to regulate possession of salt in vicinity of saltpetre-manufactories;
    (*f*) to regulate possession of salt in vicinity of places where salt is manufactured.

CHAPTER IV

[*Price five annas six pies*].

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE.

11. Penalty for contravention of Act or rules.
12. Punishment on second and subsequent convictions.
13. Charge to be preferred by customs-officer.
Limitation of time for complaint.
Jurisdiction.
14. Confiscation of articles in respect of which offence committed.
15. Power to levy additional duty as a penalty.
16. Punishment for connivance at offences mentioned in section 11.

CHAPTER V.—OF THE POWERS OF STOPPAGE, SEIZURE, SEARCH AND ARREST.

17. Power to detain suspected person and to seize goods liable to confiscation.
18. Power to arrest.
19. Power to enter and search place of illicit manufacture.
20. Failure of police officer to attend.
21. Report of arrest, seizure or search.
22. Procedure in respect of articles seized.
23. Procedure on detainer of article subject to additional duty.
24. Procedure in respect of person arrested.
25. Officers of police and land-revenue to assist customs-officers.
26. Vexatious search, seizure, &c., by customs-officer.
27. Power to regulate seizures and disposal of things seized.

CHAPTER VI.—MISCELLANEOUS.

28. Power to prohibit import, export, and transit of salt or sugar.
29. Further matters for which Governor General may make rules.
30. Publication of rules.
31. Power of Local Government to confer powers of Collector and customs-officers.
32. Saving of existing duties on salt and sugar.
33. Existing rules.
Existing customs-line.

SCHEDULE.

A.—Acts.
B.—Bengal Regulations.

ACT No. VIII of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd March 1875).

An Act for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of inland customs-duties on salt and sugar, and to the import of salt, the export of sugar, and the manufacture of salt and saltpetre, into, from and in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Inland Customs Act, 1875:" and shall come into force on the passing thereof.

Local extent.

This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder, extend to the whole of British India:

The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces;

Power to extend Act.

And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in Council published

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE.

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12. Punishment on second and subsequent convictions.
13. Charge to be preferred by customs-officer.
    Limitation of time for complaint.
    Jurisdiction.
14. Confiscation of articles in respect of which offence committed.
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22. Procedure in respect of articles seized.
23. Procedure on detainer of article subject to additional duty.
24. Procedure in respect of person arrested.
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Local extent.

This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder, extend to the whole of British India:

The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces;

Power to extend Act.

And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in Council published

published in the *Gazette of India*, to any part of British India other than the said territories.

Repeal of enactments.

2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"the said territories" means the territories mentioned in the third clause of the first section:

"Collector."

"Collector" means a Collector or Assistant Commissioner of Inland Customs, and includes any person invested by the Local Government with the powers of a Collector under this Act:

"Customs-officer."

"Customs-officer" means any officer of Inland Customs, and includes any person invested by the Local Government with any of the powers of a customs-officer under this Act:

"Sugar."

"Sugar" includes also saccharine produce, sweetmeats and all other articles of which sugar forms a principal ingredient:

"Saltpetre."

"Saltpetre" includes rasí, sajjí and all other substances manufactured from saline earth, and *khá-rí-nún*, or Glauber's salt, and every form of sulphate or carbonate of soda; and

"Manufacture of salt."

"Manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence.

CHAPTER II.—OF THE IMPORT OF SALT, AND EXPORT OF SUGAR.

Regulation of the import of salt, and export of sugar.

4. No salt shall be imported into the said territories, and no sugar shall be exported therefrom, except subject to the provisions, payments and rules prescribed by or under this Act.

5. The

5. The Governor General in Council may from time to time by rule order the levy of duties not exceeding the following:— Power to levy duties.

		Per maund of three thousand two hundred tolas.
(*a*). On salt imported into the said territories	... ..	Three rupees,
(*b*). On refined sugar exported from the said territories	... ...	One rupee,
(*c*). On unrefined sugar exported from the said territories	... ...	Six annas;

and in calculating the amount of any such duty, fractions of quarter maunds may be reckoned as quarter maunds.

The Governor General in Council may from time to time reduce or remit any duty imposed under this section.

The Governor General in Council may, for the purposes of this section, define by rule what shall be deemed refined sugar and what shall be deemed unrefined sugar.

6. In order to facilitate the collection of duties imposed under section five, the Governor General in Council may by rule define a zone of country not exceeding fifteen miles in breadth along any portion of the frontier of the said territories, and at such distance within the frontier as he deems expedient, Power to define a customs-zone and establish a customs-line.

and may extend such zone so as to include any portion of a railway or canal or navigable river entering the same, and the place where dutiable goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone,

and may within such zone establish a chain of customs-posts extending along such zone.

And the establishment of such chain shall be deemed a public purpose within the meaning of the Land Acquisition Act, 1870.

A zone of country defined, and a chain of customs-posts established, under this section, are herein- "Customs-zone."

after

"Customs-line."

after termed respectively a "customs-zone" and a "customs-line."

Effect of establishing a customs-zone and line.

7. When a customs-zone has been defined and a customs-line established under section six along any portion of the frontier of the said territories, the following results shall ensue (namely)—

Salt when imported.

(*a*) salt crossing such portion of the frontier shall be deemed to have been imported when it enters the customs-zone, and not before:

Sugar when exported.

(*b*) sugar shall be deemed to be exported when it is brought within half a mile of the inner face of the customs-line, and not before:

Possession of salt within customs-zone.

(*c*) the Governor General in Council may by rule prohibit any person absolutely, or subject to such conditions as the Governor General in Council thinks fit, from having in his possession any salt within the limits of the customs-zone:

Traffic crossing customs-line.

(*d*) the Governor General in Council may, by notification or by the erection of a barrier or otherwise, prohibit or prevent the passage of traffic of any description across the customs-line, except at such points as the Commissioner of Inland Customs may determine,

and may by rule control and regulate the passage of traffic at such points, and provide for the searching of all persons and things crossing, or being taken across, the customs-line.

Levy of salt-duty in Central Provinces.

8. The Governor General in Council may by rule direct that the duty leviable under section five, clause (*a*), shall be levied by way of a mileage-rate on—

(*a*) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(*b*) salt which, having been so imported, is afterwards moved from one place to another:

And may in like manner fix, for the purposes of this section, the rate per maund per mile which shall be so levied.

9. The

9. The Governor General in Council may by rule prescribe the manner, time, and place in and at which, and the persons by whom, the duties leviable under this chapter shall be collected, and the dutiable goods be permitted to be imported and exported.

Power to regulate collection of duties and import and export of goods.

When the rules made under this section allow dutiable goods to be imported or exported without prepayment of duty, all duty payable on such goods so imported or exported shall be deemed to be a first charge on the same, and such goods may be stopped and detained by a customs-officer until the duty is paid.

If such duty is not paid within such period as may be fixed by such rules, the goods in respect of which such duty is payable may be sold by public auction, and the proceeds of the sale shall be applied, first, in discharging the duty payable in respect of such goods, and then in defraying freight and other charges to which they are liable, and the surplus (if any) shall, if not claimed by the owner within two months, be forfeited to Her Majesty.

CHAPTER III.—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE.

10. The Governor General in Council may from time to time by rule—

Power of Governor General in Council

(*a*) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of saltpetre throughout the whole or any portion of the said territories;

to regulate manufacture and refining of salt and saltpetre;

(*b*) fix fees for the following licenses not exceeding in the case of each such license the amount hereinafter mentioned:—

to fix fees for licenses;

	Rs.
License to manufacture saltpetre	2
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining	100
License to manufacture *khárí-nún*	25
License to manufacture other saline substances ...	2;

(*c*) impose

to impose a duty on manufacture of salt;

(*c*) impose a duty not exceeding three rupees per maund of three thousand two hundred tolahs on salt manufactured in the said territories, and determine the manner, time, and place in and at which, and the persons by whom, such duty shall be collected;

to reduce or remit duties;

(*d*) reduce or remit any duty so imposed;

to regulate possession of salt in vicinity of saltpetre-manufactories;

(*e*) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area;

to regulate possession of salt in vicinity of places where salt is manufactured.

(*f*) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE.

Penalty for contravention of Act or rules.

11. Whoever commits any of the following offences—

(*a*) does anything in contravention of this Act or of any rule made hereunder;

(*b*) evades payment of any duty or charge payable under this Act or any such rule; or

(*c*) attempts to commit or abets within the meaning of the Indian Penal Code the commission of any of the offences mentioned in clauses (*a*) and (*b*) of this section,

shall for every such offence be punishable with a fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both,

and the convicting Magistrate, on the application of the Collector or customs-officer, may declare to be confiscated all works, materials, and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

12. Any

12. Any person convicted of an offence under section eleven, after having been previously convicted of an offence under that section or any enactment hereby repealed,

Punishment on second and subsequent convictions.

shall be punished with imprisonment which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section eleven,

and every such person shall, upon every subsequent conviction of an offence under section eleven, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

13. A charge of an offence under section eleven shall not be entertained except on the complaint of the Collector or other customs-officer not inferior in rank to a Sub-Assistant Patrol,

Charge to be preferred by customs-officer.

and no such complaint shall be admitted unless it be preferred within six months after the commission of the offence to which it refers.

Limitation of time for complaint.

An offence under section eleven shall be tried by a Magistrate exercising powers not less than those of a Magistrate of the second class.

Jurisdiction.

14. All salt, sugar, or saltpetre in respect of which any offence mentioned in section eleven has been committed, together with the vessels, packages, or coverings in which such salt, sugar, or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.

Confiscation of articles in respect of which offence committed.

When the article seized exceeds five sers in weight, the Commissioner of the Division may, if satisfied on the report of any customs-officer, or on such enquiry as he deems fit to make, that such offence has been committed, declare such article to be confiscated, or impose such lesser penalty in lieu of confiscation as to him may seem fit.

If the quantity seized does not exceed five sers, the Collector shall possess the same powers in regard to its disposal which by this section are conferred on Commissioners of Division in regard to quantities exceeding

exceeding five sers, and may also confiscate the vessel, package or covering in which such article is contained.

Whenever a Commissioner of Division declares under this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

Power to levy additional duty as a penalty.

15. The Governor General in Council may from time to time by rule direct that any customs-officer not inferior in rank to a Sub-Assistant Patrol, if satisfied in such manner as such rule may prescribe that any offence mentioned or referred to in section eleven has been committed in respect of any dutiable article, shall, instead of preferring a complaint before a Magistrate or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such article not exceeding the duty paid or leviable thereon under chapter II of this Act.

The imposition of every such penalty shall be at once reported, if the article in respect of which the offence has been committed exceeds five sers, to the Commissioner of Division, and if such article does not exceed five sers, to the Collector,

and shall require the sanction of the Commissioner or Collector to whom it is so reported.

Punishment for connivance at offences mentioned in section 11.

16. All zamíndárs and other proprietors of land or their agents, who wilfully connive at any offence mentioned or referred to in section eleven, shall for every such offence be punishable by any Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both.

CHAPTER V.—Of the Powers of Stoppage, Seizure, Search and Arrest.

Power to detain suspected person and to seize goods liable to confiscation.

17. Any customs-officer may stop and detain any person whom he has reasonable ground to suspect of being liable to punishment under this Act;

and

and may seize any salt or sugar in respect of which there is reasonable ground to believe that any offence mentioned or referred to in section eleven has been committed or that any duty is payable, together with the vessels, packages or coverings in which such salt or sugar is contained, and the animals and conveyances used in carrying it.

18. Any customs-officer may arrest any person whom he has reasonable ground to suspect of having committed any such offence as last aforesaid. Power to arrest.

19. Whenever any customs-officer not inferior in rank to a Sub-Assistant Patrol, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored, Power to enter and search place of illicit manufacture.

such officer shall first record in writing (so far as may be practicable), (*a*) the name, residence and calling of the informant (if any), (*b*) the locality and description of the house, boat or place where the officer believes the salt or saltpetre is being manufactured, refined or stored, (*c*) the name of the person for or by whom the salt or saltpetre is manufactured, refined or stored, and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds of believing the same to be unlawfully manufactured, refined or stored,

and may then summon in writing the officer in charge of the police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him ;

and may then, between sunrise and sunset (but always in the presence of an officer of police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined or stored,

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry,

and may seize and carry away all salt and saltpetre so unlawfully manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre,

and

and may also arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture or refinement or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman, who, according to the customs of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed in the Code of Criminal Procedure, section 384.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place to be searched is situate, to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Failure of police-officer to attend.

20. Any officer in charge of a police-station, who, on application in writing made by a customs-officer to attend for any of the purposes specified in section nineteen, fails so to attend or to depute a subordinate officer not inferior in rank to a head constable so to attend, shall for every such offence be punished with fine not exceeding five hundred rupees.

Report of arrest, seizure or search.

21. Whenever a customs-officer under the rank of Collector arrests any person under this Act,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless empowered under the next succeeding clause of this section), within forty-eight hours next after such arrest, seizure or entry, make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Collector.

Every

Every officer making any arrest under this section, or his official superior, shall, if generally empowered to do so by the Collector, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

And every officer of police attending any search made under section nineteen shall report the same to his official superior.

Procedure in respect of articles seized.

22. Whenever the Collector is informed of the seizure of any article exceeding five sers in quantity, as liable to confiscation under this Act, he shall, with all convenient despatch, report the circumstances of the case to the Commissioner of the Division, who may thereupon proceed under section fourteen.

If the quantity seized does not exceed five sers, he may dispose of the case himself under the said section.

Procedure on detainer of article subject to additional duty.

23. Any article in respect of which a penalty is imposed under section fifteen may be detained pending the receipt of the order of the Commissioner of the Division or Collector on the report required by the same section:

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the customs-officer detaining the same, such article shall be at once released.

When an article is so detained it shall, on the receipt of the said order, be dealt with in accordance with the rules made in this behalf under section twenty-seven.

When an article has been released under the second clause of this section, and the Commissioner or Collector reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Collector within six months, to be computed (where the order has been made by the Commissioner) from the day on which the Collector has received such order, and (where the order has been

been made by the Collector) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section, is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit or the sum so refundable shall be forfeited to Her Majesty unless the Commissioner of Inland Customs otherwise directs.

Procedure in respect of person arrested.

24. Whenever the Collector is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one), either send, with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Officers of police and land-revenue to assist customs-officers.

25. All officers of police and officers of Government engaged in the collection of land-revenue, are empowered and required to assist the customs-officers in the execution of this Act.

Vexatious search, seizure, &c., by customs-officer.

26. Any customs-officer who,

(*a*) without reasonable ground of suspicion, searches or causes to be searched any house, boat or place;

(*b*) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(*c*) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees.

Any person wilfully or maliciously giving false information and so causing a search to be made under this Act shall be punishable by a Magistrate exercising

exercising the same powers with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding two years, or with both.

27. The Governor General in Council may make rules to regulate the seizure, disposal, and destruction of things liable to be seized under this Act.

Power to regulate seizures and disposal of things seized.

Such rules may among other matters provide—

(*a*) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale:

(*b*) that when anything is seized and an order for its release is subsequently passed and the owner does not within a period to be fixed by such rules appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale:

(*c*) that the surplus-proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.—MISCELLANEOUS.

28. The Governor General in Council may, from time to time by rule prohibit absolutely, or subject to conditions, the transit of salt or of sugar into, out of, or over, the said territories or any part thereof.

Power to prohibit import, export, and transit of salt or sugar.

Except in the case of a prohibition under this section, nothing in this Act shall affect the importation of salt or exportation of sugar into or from any of the said territories, from or into any other of the said territories, or the Lower Provinces of the Presidency of Fort William.

29. In

Further matters for which Governor General may make rules.

29. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules to regulate the following matters, namely:

(*a*) the persons by whom, and the time, place and manner at or in which, anything to be done under this Act shall be done;

(*b*) the cases in which, and the officers to whom, and the conditions subject to which, orders given by customs-officers under this Act shall be appealable;

(*c*) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act;

and generally to carry out the provisions herein contained.

Publication of rules.

30. All rules made under this Act must be consistent herewith and shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Power of Local Government to confer powers of Collector and customs-officers.

31. Subject to the provisions herein contained and to any rules for the time being in force made by the Governor General in Council, the Local Government may invest any person with the powers of a Collector under this Act, or with all or any of the powers hereinbefore conferred on customs-officers.

Saving of existing duties on salt and sugar.

32. All duties now leviable on salt or sugar imported into or exported from, or moved through, or manufactured in, the said territories, shall, until otherwise directed by the Governor General in Council, be deemed to be leviable under this Act.

Existing rules. Existing customs-line.

33. All rules now in force which might have been made under this Act if it had been in force, shall be deemed to have been issued hereunder, and the existing customs-line shall be deemed to have been defined and protected hereunder.

SCHEDULE.

SCHEDULE.

A.—Acts.

Number and Year.	Title.	Extent of repeal.
XIV of 1843 ...	An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XXXVI of 1855	An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.	The whole.
I of 1860 ...	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	So much as has not been repealed.
XXXI of 1861 ...	An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.	The whole, but so far only as regards the said territories.
XIX of 1862 ...	An Act to extend to the Province of Oude certain provisions of Acts XIV of 1843 and XXXVI of 1855, relating to the manufacture of contraband Salt, and to amend the last-named Act.	The whole.
VII of 1864 ...	An Act for regulating the importation and manufacture of alimentary Salt in the Territories administered by the Chief Commissioner of the Central Provinces.	So much as has not been repealed.
XXXIII of 1867	An Act to amend Act No. XXXI of 1861.	The whole.

SCHEDULE—(*continued.*)

A.—Acts—(concluded).

Number and Year.	Title.	Extent of repeal.
XXV of 1869 ..	An Act to provide Rules for the manufacture, storing and sale of Alimentary Salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, and for other purposes.	The whole.
XXV of 1872 ...	An Act to give the force of law to certain Rules relating to Salt in the Panjáb.	The whole.
X of 1874 ...	An Act to amend the Law relating to Salt.	Sections three and four.
XV of 1874 ...	Laws Local Extent Act ..	So far as it relates to Bengal Regulation I of 1833.

B.—Bengal Regulations.

Number and Year.	Title.	Extent of repeal.
XX of 1817 ...	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other subordinate Officers of Police; for modifying the existing rules concerning the Resistance or Evasion of Criminal Process, and for requiring further Aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Munduls and other Heads of Villages.	Section twenty-nine, clauses *fifth*, *sixth*, *seventh*, and *eighth*.

SCHEDULE—*(concluded).*

B.—Bengal Regulations—(concluded).

Number and Year.	Title.	Extent of repeal.
X of 1819 ...	A Regulation for reducing into one Regulation, with Alterations and Amendments, the Rules at present in Force respecting the Manufacture, Adulteration, Importation, Transportation, and Sale of Salt.	So much as has not been repealed.
X of 1826 ...	A Regulation for removing Doubts as to the Application of Section L. Regulation X. 1819, to the District of Goruckpore: for prohibiting the Manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any Description of Saline Substance used as a condiment with Food, excepting on Account of, or with the Permission of Government; and for providing for the Retail Sale of Salt by Government Officers in certain Cases.	So much as has not been repealed.
IV of 1832 ...	A Regulation for declaring and explaining the Meaning and Intention of section XLI. Regulation X. 1819.	The whole.
I of 1833 ...	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the territories to which the Revenue Jurisdiction of that Board extends.	The whole.

Office Supdt. Govt. Printing.—No. 722 L. D.—5 3-75.—3,700.

ACT No. IX of 1875.

Passed by the Governor General of India in Council.

(*Received the assent of the Governor General on the 2nd March* 1875).

An Act to amend the Law respecting the age of majority.

WHEREAS, in the case of persons domiciled in British India, it is expedient to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority than now exists; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Indian Majority Act, 1875:" Short title.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty; Local extent.

and it shall come into force and have effect only on the expiration of three months from the passing thereof. Commencement and operation.

2. Nothing herein contained shall affect—

(*a*) the capacity of any person to act in the following matters (namely),—Marriage, Dower, Divorce, and Adoption;

(*b*) the religion or religious rites and usages of any class of Her Majesty's subjects in India, or

(*c*) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

3. Subject as aforesaid, ~~every minor of whose person or property a guardian has been or shall be appointed by any Court of Justice, and every minor under the jurisdiction of any Court of Wards~~, shall, notwithstanding Age of majority of persons domiciled in British India.

[*Price one anna and three pies.*]

notwithstanding anything contained in the Indian Succession Act (No. X of 1865) or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before:

Subject as aforesaid, every other person domiciled in British India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.

Age of majority how computed.

4. In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of section three, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of section three, at the beginning of the eighteenth anniversary of that day.

Illustrations.

(*a*) Z is born in British India on the first day of January, 1850, and has a British Indian domicile. A guardian of his person is appointed by a Court of Justice. Z attains majority at the first moment of the first day of January, 1871.

(*b*) Z is born in British India on the twenty-ninth day of February, 1852, and has a British Indian domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February, 1873.

(*c*.) Z is born on the first day of January, 1850. He acquires a domicile in British India. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Wards. Z attains majority at the first moment of the first day of January, 1868.

Office Supdt. Govt. Printing.—No. 723 L. D.—5-3-75.—3,400.

THE HIGH COURTS' CRIMINAL PROCEDURE ACT, 1875.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

OF SESSIONS.

4. Time of holding sittings.
5. Place of holding sittings.
   Notice of sittings.

CHAPTER III.

OF PROCEDURE ON COMMITMENTS.

6. Cases tried by High Courts to be tried under this Act.
7. Consideration and amendment of charge.
8. How Court may deal with charge.
9. Prisoner may apply for amendment.
10. Court may amend charge.
11. When trial may proceed immediately after amendment.
12. When new trial may be directed or trial suspended.
13. Charge to be recorded.
    Copy of charge.
    Copies of depositions.
14. Entry on unsustainable charge.
    Effect of entry.
15. Prosecutor and accused person may recall witnesses.

16. Previous

[*Price fifteen annas.*]

SECTIONS.

16. Previous sanction to be obtained if offence in amended charge require it.

Joinder of Charges.

17. Separate charges for distinct offences.
18. More offences than one of same kind may be charged within a year of each other.
19. Trial of more than one offence.
One offence falling within two definitions.
Acts severally constituting more than one offence, but collectively coming within one definition.
20. Where it is doubtful what offence has been committed.
21. When a person is charged with one offence, he can be convicted of another.
22. When offence proved included in offence charged.
23. What persons may be charged jointly.
24. Effect of errors.
25. When irregular commitments may be validated.
26. Custody pending direction as to place of trial.
Procedure thereafter.
27. Intermediate custody of European British subjects.

CHAPTER IV.

OF THE COMMENCEMENT OF THE TRIAL.

28. Commencement of trial.
29. Plea of guilty.
30. Refusal to plead or claim to be tried.
31. Right of accused to be defended.

CHAPTER V.

OF JURIES.

(*a*) *Of Juries generally.*

32. Trials to be by jury.
33. Number of jurors.
34. Successive trials by same jury.
35. Majority of jurors for trial of European British subjects.
36. Trial of European British subject and Native jointly accused.
37. Provisions for European British subject requiring majority of Europeans in jury.
Native may claim separate trial.

(*b*) *Of Juries in the Presidency Towns.*

38. Trials before special jury.

39. Jurors'

SECTIONS.

39. Jurors' book.
40. Number of special jurors.
41. Exemption of special jurors.
42. Lists of common and special jurors.
43. Discretion of officer preparing lists.
44. Publication of lists.
45. Number of jurors to be summoned.
Supplementary summons.
46. Failure of jurors to attend.
47. Peremptory challenges.
Challenges on cause.
48. Trial of challenges.
49. Powers of Presidency High Courts as to jurors.

(c) *Of Juries in the Mofussil.*

50. Summoning jurors.
51. Military jurors.
52. Juries for trial of European British subjects.
53. Names of jurors to be called.
Objections to jurors.
54. Grounds of objection.
55. Decision of objection.
56. Supply of place of juror against whom objection allowed.
57. Juror to understand language in which evidence is given or interpreted.

(d) *Of the Foreman.*

58. Foreman of jury.

CHAPTER VI.

OF THE TRIAL.

59. Examination of witnesses.
60. Examination of accused before Magistrate to be evidence.
61. Examination of accused.
Accused not punishable for refusal to answer.
62. Defence.
63. Prosecutor's right of reply.
64. View by jury.
65. Locking-up jury.
66. Postponement of trial.
Adjournment.
67. Jury to attend at adjourned sitting.

SECTIONS.

68. Power to prescribe mode in which evidence shall be taken down.
69 Evidence of jurors.
70. Interpreter.

CHAPTER VII.

OF EVIDENCE.

71. Evidence of medical witness.
Court may summon medical witness.
72. Report of Chemical Examiner.
Genuineness of signature may be presumed.
73. Admission of accused.
74. Record of evidence in absence of accused.
75. Evidence given at preliminary inquiry.

Commissions.

76. When a commission may issue.
Mode of issuing commission.
Where witness is in a Native State.
Where witness is in a Presidency Town.
Prosecutor and accused may examine witness.
Return of commission.

Tender of Pardon to obtain Evidence.

77. Court may direct tender of pardon.
78. Commitment of person to whom pardon has been tendered.

Of securing Attendance of Witnesses and Production of Documents.

79. Procedure for obtaining attendance of witnesses.
80. Power to summon material witness or examine person present.
81. When warrant of arrest may issue in first instance.
82. Procedure when warrant cannot be served.
83. Release of attached property of witness appearing and satisfying Court.
Sale of property of witness not appearing or not satisfying Court.
84. Arrest of person disobeying summons.
85. Right of accused as to examination of witness.
86. Procedure for obtaining production of document required as evidence.
87. When warrant for search for documents may issue.
88. Power to impound document produced.
89. Procedure in case of refusal to answer or produce documents.

CHAPTER VIII.

SECTIONS.

CHAPTER VIII.

OF THE CHARGE TO THE JURY.

90. Charge to jury.
91. Duty of Judge.

CHAPTER IX.

OF THE VERDICT AND THE DISCHARGE OF THE JURY.

92. Retirement to consider.
93. Duty of jury.
94. Foreman to communicate verdict.
95. Verdict to be given on each charge.
Judge may question jury.
96. Procedure where jury differ.
97. Verdict when to be delivered.
98. Discharge of jury in default of unanimity or majority of six with Judge's concurrence.
99. Discharge of jury in case of sickness of juror or prisoner.
100. Re-trial of prisoner after discharge of jury.
101. Power to reserve questions.
Procedure when question reserved.
102. Withdrawal of remaining charges on conviction on one of several charges.

CHAPTER X.

OF THE SENTENCE.

103. Form and direction of warrant of commitment.
104. Provisions of Criminal Procedure Code, sections 303, 304, 305, applied in Mofussil.
105. Levy of fine.
Cases to which section applies.
106. Payment of fine in compensation.
107. Imprisonment in default of payment of fine.
108. Execution of sentences of whipping.
109. Sentence in cases of simultaneous conviction of several offences.
Maximum term of imprisonment.
110. Currency of sentence on escaped convicts.
111. Sentence on offender already sentenced for another offence.
Proviso.
112. Confinement of youthful offenders in reformatories.

113. Sentence

SECTIONS.

113. Sentence of death.
114. Postponement of capital sentence on pregnant woman.
115. Order for disposal of property regarding which offence committed.
116. Expenses of complainants and witnesses.

CHAPTER XI.

OF PREVIOUS CONVICTIONS OR ACQUITTALS.

117. Person once convicted or acquitted not to be tried for same offence.
118. Previous conviction to be set out in charge.
119. Previous conviction or acquittal how proved.

CHAPTER XII.

OF CRIMINAL LUNATICS.

120. Procedure in case of person committed being lunatic.
121. Release of lunatic pending investigation or trial. Custody of lunatic.
122. Resumption of trial.
123. Procedure on accused appearing before Court.
124. Finding in case of acquittal on ground of being lunatic.
125. Person so acquitted to be kept in safe custody.
126. Lunatic prisoners to be visited by Inspector General.
127. Procedure where lunatic prisoner is reported capable of making his defence.
128. Procedure where lunatic confined under section 125 is declared capable of being discharged.
129. Delivery of lunatic to care of relative.
130. Procedure where accused does not understand the proceedings.

CHAPTER XIII.

OF PROSECUTIONS IN CERTAIN CASES.

131. Prosecutions for offences against the State.
132. Prosecution of Judges and public servants. Sanction when to be given.
133. Prosecution for contempts of the lawful authority of public servants.
134. Nature of sanction necessary.
135. Procedure in cases mentioned in section 133.

CHAPTER XIV.

SECTIONS.

CHAPTER XIV.

OF BAIL.

136. Power to direct admission to bail.
137. Procedure to compel payment of penalty by accused.
138. Procedure to compel payment of penalty by sureties.
Remission of part of penalty.
Court may direct Magistrate to levy sum forfeited.
139. Deposit instead of bail.

CHAPTER XV.

OF SECURITY FOR KEEPING THE PEACE.

140. Personal recognizance to keep the peace in cases of conviction.
141. Security to keep the peace.
142. Power to restore possession of immoveable property.

CHAPTER XVI.

MISCELLANEOUS.

143. Saving of Acts XV of 1869 and V of 1871.
144. Advocate General may exhibit informations.
145. Effect of charge preferred by Advocate General.
146. Power to enter *nolle prosequi*.
147. Power of Presidency High Court to transfer to itself cases from Police Magistrates.
148. Power to issue directions of the nature of a *habeas corpus*.
149. Courts and persons before whom affidavits may be sworn.
150. Criminal Courts to be open.
151. Compounding offences.
152. Judges of High Courts to be Justices of the Peace *virtute officii*.
153. Pending cases.

THE SCHEDULE.—Enactments repealed.

ACT No. X of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 9th March 1875).

An Act to regulate the Procedure of the High Courts in the exercise of their original criminal jurisdiction.

WHEREAS it is expedient to consolidate and amend the law relating to the procedure of the High Courts in the exercise of their original criminal jurisdiction; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The High Courts' Criminal Procedure Act, 1875:" Short title.

It extends to the whole of British India; Local extent.

And it shall come into force on the first day of May 1875. Commencement.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule, but not so as to revive any practice thereby abolished. Repeal of enactments.

And all rules made under any of the said enactments shall be deemed to have been made under this Act, so far as they are consistent herewith.

3. In this Act, unless there be something repugnant in the subject or context— Interpretation-clause.

"High Court" includes all High Courts established or to be established under the twenty-fourth "High Court."

and

and twenty-fifth of Victoria, Chapter 104, the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may, from time to time, declare to be invested with the powers of a High Court under this Act:

"Chief Justice."

"Chief Justice" includes also the Senior Judge of a Chief Court:

"Advocate General."

"Advocate General" includes also a Government Advocate:

"Clerk of the Crown."

"Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Act to the Clerk of the Crown; and

"Magistrate."

"Magistrate" includes also a Police Magistrate in the Towns of Calcutta, Madras and Bombay:

"European British Subject."

"European British Subject" means—

(*a*) all subjects of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian colonies or possessions of Her Majesty, or in the colonies of New Zealand, the Cape of Good Hope and Natal;

(*b*) the children and grandchildren of any such person by legitimate descent:

"Prosecutor."

"Prosecutor" includes every person conducting a prosecution on behalf of Her Majesty:

"Offence."

"Offence" denotes anything made punishable by any law for the time being in force; and

words which refer to acts done extend also to illegal omissions.

CHAPTER II.

OF SESSIONS.

Time of holding sittings.

4. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings.

5. The High Court shall hold its sittings at the place at which it now holds them, or at such other place

place (if any) as the Governor General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct. But it may, from time to time,

in the case of the High Court at Fort William, with the consent of the Governor General in Council,

in all other cases, with the consent of the Local Government,

hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

CHAPTER III.

Of Procedure on Commitments.

Cases tried by High Courts to be tried under this Act.

6. The provisions of this Act shall apply to all criminal cases triable by the High Court.

Consideration and amendment of charge.

7. When any person is committed for trial before a High Court, the Clerk of the Crown, or, if there be not a Clerk of the Crown, a Judge of the High Court, shall, on receipt of the charge, peruse and consider it, and may, if it appear necessary or expedient so to do, alter or redraw the same, having regard to the rules as to the form of charges contained in the Code of Criminal Procedure.

How Court may deal with charge.

8. If a prisoner is committed to the Court without any charge at all, the Clerk of the Crown, or, if there be not a Clerk of the Crown, a Judge of the High Court, may draw up a charge, having regard to the rules referred to in section seven. If a prisoner is committed upon a charge which the Court, upon reference to the proceedings before the committing Magistrate, considers improper, the Court may draw up a charge for any offence or offences which it considers

considers to be proved by the evidence taken before the committing Magistrate.

Prisoner may apply for amendment.

9. Any accused person may apply to the Court for an amendment of the charge made against him; and in considering whether any error in a charge did in fact mislead the accused person, the Court shall take into account the fact that he did or did not make such an application.

Court may amend charge.

10. The Court may, upon the application of the accused person, or of the prosecutor, or upon its own motion, amend or alter any charge at any stage of the proceedings before the verdict of the jury is delivered. Such amendment shall be explained to the accused person.

When trial may proceed immediately after amendment.

11. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making such amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When new trial may be directed or trial suspended.

12. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the accused person to make his defence to the amended or altered charge; and, after hearing his defence, the Court may, if it thinks fit, further adjourn the trial, to admit of the appearance of any witness whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

Charge to be recorded.

Copy of charge.

13. The charge, with such alterations (if any) as may have been made therein, shall be recorded in the High Court, and a copy of such charge shall be given to the person gratis, if he demands it.

Copies of depositions.

The person charged shall also be entitled to a copy of his own examination before the committing Magistrate, and to copies of the examinations of witnesses upon whose depositions he has been committed, and of all documents read and made exhibits as part of such

such depositions by the committing Magistrate, if the person charged demands them a reasonable time before the case comes on for trial and pays for the same a reasonable sum not exceeding one anna for each folio of ninety words.

The Court may for any special reason remit any such payment.

14. When any charge, or portion of a charge, recorded as aforesaid appears to a Judge of the High Court, at any time before the commencement of the trial of the person charged, to be clearly unsustainable, such Judge may make on the charge an entry to that effect.

Entry on unsustainable charge.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge (as the case may be), but shall not operate as an acquittal of the person charged.

Effect of entry.

15. In all cases of amendment or alteration of a charge during the trial, the prosecutor and accused person shall be allowed to recall and examine any witness who may have been examined.

Prosecutor and accused person may recall witnesses.

16. If the offence stated in the amended or altered charge be one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained; unless sanction has been already obtained for a prosecution on the same facts as those on which the amended or altered charge was founded.

Previous sanction to be obtained if offence in amended charge require it.

Joinder of Charges.

17. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases hereinafter excepted.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

18. When a person is accused of more offences than one of the same kind, committed within one year of each other, he may be charged and tried at the

More offences than one of same kind may be charged within a year of each other.

the same time for any number of them not exceeding three.

EXPLANATION.—Offences are said to be of the same kind under this section if they fall within the provisions of section twenty.

Trial of more than one offence.

19. I.—If in one series of acts, so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

One offence falling within two definitions.

II. If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being, by which offences are defined or punished, the person accused of them may be charged with each of the offences so committed; but he must not receive a more severe punishment than could be awarded for any of such offences.

Acts severally constituting more than one offence, but collectively coming within one definition.

III. If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with every offence, or any of the different offences, which he may have committed; but he must not receive for such offences, collectively, a punishment more severe than that which might have been awarded for any one of such offences.

Illustrations.

To paragraph I.

(*a.*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be separately charged with, convicted of, and punished for, offences under sections 225 and 333, Indian Penal Code.

(*b.*) A has in his possession several counterfeit seals with the intention of committing several forgeries. A may be separately charged with, convicted of, and punished for, the possession of each seal for a distinct forgery under section 473, Indian Penal Code.

(*c.*) A, with intent to cause injury to B, institutes proceedings against him, knowing there is no just or lawful ground for such proceedings. A also, in the course of the proceedings, falsely charges B with having committed an offence. A may be separately charged with, convicted of, and punished for, two offences under section 211, Indian Penal Code.

(*d.*) A.

(*d.*) A, with intent to injure B, brings a false charge against him of having committed an offence. On the trial, A gives false evidence against B. A may be separately charged with, convicted of, and punished for, offences under sections 211 and 194 or 195, Indian Penal Code.

(*e.*) A, knowing that B, a female minor, has been kidnapped, wrongfully confines her and detains her as a slave. A may be separately charged with, convicted of, and punished for, offences under sections 368 (read with 367) and 370, Indian Penal Code.

(*f.*) A, with six others, commits the offences of rioting, grievous hurt to B, and of assaulting C, a public servant engaged in suppressing the riot. A may be separately charged with, convicted of, and punished for, offences under sections 147, 325 and 152, Indian Penal Code.

(*g.*) A criminally intimidates B, C and D at the same time. A may be separately charged with, convicted of, and punished for, each of the three offences under section 506, Indian Penal Code.

(*h.*) A intentionally causes the death of three persons by upsetting a boat. A may be separately charged with, convicted of, and punished for, three offences under section 302, Indian Penal Code.

To paragraph II.

(*i.*) A commits mischief by cutting down a tree in a Government forest. The tree overhangs the bank of a river and falls into the stream. A commits theft by having severed the tree and by floating it down the river to his village, where he sells it. A may be separately charged with, and convicted of, offences under sections 426 and 379, Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 379 only.

(*j.*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 323 only.

(*k.*) A wrongfully kills a buffalo worth sixty rupees belonging to B, and then takes away the carcase in a manner amounting to theft. A may be separately charged with, and convicted of, offences under sections 429 and 379, Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 429 only.

(*l.*) Several stolen sacks of corn are made over to A and B, who know they are stolen property. A and B thereupon assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414, Indian Penal Code; but the Court which

which tries them may not inflict a severer sentence than if it had convicted them under one of those sections only.

(*m.*) A uses a forged document in evidence, in order to convict B, a public servant, of an offence under section 167. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under one of those sections only.

To paragraph III.

(*n.*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497, Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only.

(*o.*) A robs B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 392 or 394 only.

(*p.*) A entices B, the wife of C, away, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497, Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only.

Where it is doubtful what offence has been committed.

20. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused person may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to either theft, receiving stolen property, criminal breach of trust or cheating. He may be charged separately with theft, criminal breach of trust, and cheating, or he may be charged with having committed either theft, or criminal breach of trust, or cheating.

When a person is charged with one offence, he can be convicted of another.

21. If, in the case mentioned in section twenty, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence, for which he might have been charged under

under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed criminal breach of trust, or receiving stolen goods. He may be convicted of criminal breach of trust, or receiving stolen goods, though he was not charged with it.

When offence proved included in offence charged.

22. When a person is charged with an offence, and part of the charge is not proved, but the part which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed, though he was not charged with it.

Illustrations.

(*a.*) A is charged, under section 407, Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b.*) A is charged with murder. He may be convicted of culpable homicide, or of causing death by negligence.

What persons may be charged jointly.

23. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks proper, and the provisions hereinbefore contained shall apply to all such charges.

Illustrations.

(*a.*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b.*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c.*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

24. No

Effect of errors.

24. No error, either in the way in which the offence is stated, or in the particulars required by the Code of Criminal Procedure to be stated, and no omission to state the offence, or to state those particulars, shall be regarded at any stage of the case as material, unless the person accused was in fact misled by such error or omission.

Illustrations.

(*a.*) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit;" the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b.*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c.*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d.*) A is charged with the murder of Khodá Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e.*) A was charged with murdering Haidar Baksh on the 20th January, and Khodá Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khodá Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

When irregular commitments may be validated.

25. If any Magistrate or other authority purporting to exercise powers conferred, but not being actually

actually so empowered, commits an accused person to take his trial before a High Court, the Court may, after perusal of the proceedings, accept the commitment if it considers that the accused person has not been prejudiced, unless objection was made on behalf either of the accused person or of the prosecution to the jurisdiction of the committing Magistrate during the inquiry and before the order of commitment.

If such Court considers that the accused person was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Custody pending direction as to place of trial.

26. Pending the directions of the Court as to the place of trial, every person committed for trial shall (if not admitted to bail) be committed by the Magistrate for intermediate custody to the criminal jail in which he can be most conveniently confined.

Procedure thereafter.

If the trial be directed to be held at the ordinary place of sitting of the Court, the Magistrate shall bind over the person charged to appear and take his trial at such place of sitting, or shall commit him to the jail at such place.

If the Court direct that the person charged be tried elsewhere than at its ordinary place of sitting, the Magistrate shall bind him over to appear and take his trial at the place so directed, or shall, if necessary, cause him to be removed to the criminal jail at or nearest to the place at which he is directed to be tried.

Intermediate custody of European British subjects.

27. The Court may direct that all European British subjects committed or bailed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named, and may also order that they shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

CHAPTER IV.

CHAPTER IV.

OF THE COMMENCEMENT OF THE TRIAL.

Commencement of trial.

28. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Plea of guilty.

29. If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Refusal to plead or claim to be tried.

30. If the accused person refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors as hereinafter directed, and to try the case.

Right of accused to be defended.

31. Every person accused of an offence may of right be defended by any advocate of a High Court.

Any such person may, with the permission of the Court (but not otherwise), employ any person not being an advocate, attorney or pleader, to assist him in his defence.

CHAPTER V.

OF JURIES.

(*a*) *Of Juries generally.*

Trials to be by jury.

32. All trials under this Act shall be by jury;

and, notwithstanding anything contained in section sixty-four of the Code of Criminal Procedure, in all criminal cases transferred to a High Court under that section or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the trial may, if the High Court so direct, be by jury.

Number of jurors.

33. The jury shall consist of nine persons, who shall be chosen by lot from the persons summoned to act as jurors: provided that, in case of a deficiency of such persons, the number required may, with the leave of the Court, be chosen from such other persons as may be present.

34. Subject

34. Subject to the right of challenge hereinafter mentioned, the same jury may try as many accused persons successively as the Court thinks fit.

Successive trials by same jury.

35. If before the first juror is called and accepted, any European British subject charged as aforesaid requires to be tried by a mixed jury, the majority of the jurors shall consist of Europeans or Americans, or both Europeans and Americans.

Majority of jurors for trial of European British subjects.

36. In any case in which a European British subject is accused jointly with a person not being a European British subject, and such European British subject is committed for trial before a High Court, the person so jointly accused shall (if the committing Magistrate thinks that he ought to be tried) also be committed for trial before such High Court, notwithstanding any provision to the contrary in the Code of Criminal Procedure.

Trial of European British subject and Native jointly accused.

Such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

37. Provided that, if before the first juror is called and accepted the European British subject requires the majority of the jurors to consist of Europeans or Americans, or both Europeans and Americans, and the person not being a European British subject requires that he shall be tried separately by a jury of which at least five members shall be persons not being Europeans or Americans, the latter person shall be tried separately.

Provisions for European British subject requiring majority of Europeans in jury.

Native may claim separate trial.

(*b*) *Of Juries in the Presidency Towns.*

38. Every person tried in Calcutta, Madras or Bombay shall be tried before a special jury

Trials before special jury.

(*a*) if charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs.

39. The jurors' book for the year current when this Act comes into force, shall be taken as containing

Jurors' book.

a

a correct list of persons liable to serve as jurors under this Act;

and those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this Act during the year for which the said list has been prepared.

Number of special jurors.

40. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Exemption of special jurors.

41. All persons whose names are entered in the special jurors' list shall be exempted from serving on any other than special juries, but so long only as their names are contained in such list.

Lists of common and special jurors.

42. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare

(*a*) a list of all persons liable to serve as common jurors;

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list, merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council may exempt any salaried officer of Government from serving as a juror.

Discretion of officer preparing lists.

43. The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Publication of lists.

44. Preparatory lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the officer by whom the same have been prepared, shall be published once in the local official Gazette

Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

Number of jurors to be summoned.

45. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

Supplementary summons.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Failure of jurors to attend.

46. Any person summoned under section forty-five who without lawful excuse fails to attend as required by the summons, or who having attended departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit, and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

Peremptory challenges.

47. Challenges without cause shown shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Challenges on cause.

The following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person or persons charged:—

(*a*) some personal objection, such as alienage, infancy, old age, or deficiency in the qualification required

required by any law or rule having the force of law for the time being in force:

(*b*) some presumed or actual partiality in the juror:

(*c*) a previous conviction of the juror of a non-bailable offence under the Indian Penal Code, or of a similar offence under any other law in force in British India:

(*d*) inability to understand English when spoken.

Trial of challenges.

48. The Judge before whom a person charged is about to be tried shall try any challenge, other than a challenge without cause shown; and if the Judge allow the challenge, the juror shall be set aside.

The decision of the Judge as to any challenge shall be final.

Powers of Presidency High Courts as to jurors.

49. Save as herein provided, the High Courts of Judicature at Fort William, Madras and Bombay shall retain all their present powers respecting the summoning, empannelling, qualification, challenging, and service of jurors,

and shall have power to make such rules on these subjects (consistent with the provisions of this Act) as seem to them to be proper.

All rules relating to jurors now in force in the same High Courts shall (so far as they are consistent with this Act) remain in force until repealed or altered by new rules made under this section.

(*c*) *Of Juries in the Mofussil.*

Summoning jurors.

50. Whenever a High Court has given notice of its intention to hold sittings at any place (other than the towns of Calcutta, Madras and Bombay) for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, take and cause to be taken the measures prescribed by sections 407, 409, 410 and 411 of the Code of Criminal Procedure for the summoning of jurors.

Military jurors.

51. In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer,

Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the military service, resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of European British subjects charged with offences before the High Court as aforesaid.

All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such juries notwithstanding anything contained in the Code of Criminal Procedure; but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Juries for trial of European British subjects.

52. The juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned in accordance with sections 50 and 51.

Names of jurors to be called.

53. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused person shall be asked if he objects to be tried by such juror.

Objections to jurors.

Objection may then be made to such juror by the accused person, or by the prosecutor, and the grounds of objection shall be stated.

Grounds of objection.

54. Any objection made to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(*a*) his holding any office in or under the Court or the local Court of Session;

(*b*) his executing any duties of Police or being entrusted with any Police functions;

(*c*) his having been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Court, renders him unfit to serve on the jury;

(*d*) his having by habit or religious vows, relinquished all care of worldly affairs;

(*e*) his

(*e*) his standing in the relation of husband, master, servant, landlord or tenant, to the person alleged to be injured, or attempted to be injured, by the offence charged, or to the person accused;

(*f*) his being in the employment of any of such persons;

(*g*) his being plaintiff or defendant in any civil suit against any of such persons;

(*h*) his having complained against, or having been accused by, any of such persons in any criminal prosecution;

(*i*) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, any of such persons, or which renders such person improper as a juror.

Decision of objection.

55. Any objection made to a juror shall be decided by the Court, and such decision shall be final.

Supply of place of juror against whom objection allowed.

56. If the objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons; or, if there be no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury; provided no objection to such other juror or person be made and allowed under section fifty-four.

Juror to understand language in which evidence is given or interpreted.

57. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

(*d*) *Of the Foreman.*

Foreman of jury.

58. When the jury has been completed, they shall appoint one of their number to be foreman.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, and to ask any information from the Court that may be required by the jury or any of the jurors.

If a majority of the jury do not agree in the appointment of a foreman, he shall be appointed by the Court.

CHAPTER VI.

CHAPTER VI.

Of the Trial.

59. The prosecutor shall then open his case, and the witnesses shall be examined, cross-examined and re-examined according to the law for the time being relating to the examination of witnesses. Examination of witnesses.

60. The examination of the accused person before the committing Magistrate shall be given in evidence at the trial. Examination of accused before Magistrate to be evidence.

61. The Court may from time to time, at any stage of the trial, examine the accused person. Examination of accused.

The accused person shall not be liable to any punishment for refusing to answer, or for answering falsely, questions asked under this section, but the Court shall draw such inference as seems just from such refusal or false answer. Accused not punishable for refusal to answer.

No oath or affirmation shall be administered to the accused person.

62. When the examination of the witnesses for the prosecution and the examination of the accused person are concluded, the accused person shall be asked whether he means to call witnesses. If he says that he does not, the prosecutor may sum up his case. The Court may then, if it thinks that there are no grounds for proceeding, direct the jury to return a verdict of acquittal. Defence.

If the Court considers that there are grounds for proceeding, it shall call on the accused person to state his grounds of defence and produce his witnesses.

The accused person or his Counsel may then state the case for the defence, and may examine the witnesses, if any, produced for the defence, and at the conclusion of such examination may sum up his case.

63. If any evidence is adduced on behalf of the accused person, the prosecutor shall be entitled to reply. Prosecutor's right of reply.

64. Whenever, in the opinion of the Court, it is proper and convenient that the jury should view the place View by jury.

place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the inquiry in the trial took place, an order shall be made to that effect, and the jury shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court. Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury.

Locking-up jury.

65. The High Court may from time to time make rules as to keeping the jury together during a trial lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

Postponement of trial. Adjournment.

66. The Court may, in its discretion, postpone the hearing of the case; and may, from time to time, adjourn the trial, if it considers that such adjournment is proper and will promote the ends of justice.

Jury to attend at adjourned sitting.

67. If a trial is adjourned, the jury shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Power to prescribe mode in which evidence shall be taken down.

68. The Court may, if it think fit, from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

Evidence of jurors.

69. If a juryman is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be examined, cross-examined and re-examined, in the same manner as any other witness.

Interpreter.

70. When the services of an interpreter are required by the Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

CHAPTER VII.

CHAPTER VII.

Of Evidence.

71. The examination of a Civil Surgeon or other medical witness, taken and duly attested by a Magistrate, may be given in evidence in any criminal trial, although the person examined is not called as a witness.

Evidence of medical witness.

The Court may summon such Civil Surgeon or other medical witness, if it sees sufficient cause for doing so.

Court may summon medical witness.

72. Any document purporting to be a report from the Chemical Examiner, or Assistant Chemical Examiner, to Government, upon any matter or thing duly submitted to him for examination or analysis and report, in the course of any criminal trial, or in any preliminary inquiry relating thereto, may, if it bears his signature, be used as evidence in any criminal trial.

Report of Chemical Examiner.

The Court may presume that the signature of any such document is genuine, and that the person signing it held the office which he professed to hold at the time when he signed it.

Genuineness of signature may be presumed.

73. If, after the commencement of the trial, the accused person admits before the Court the commission of an offence, the Court may convict him on his own admission, whether such offence is the same as the offence of which he is accused, or not.

Admission of accused.

74. If an accused person abscond, and after due pursuit cannot be arrested, the Court may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution and record their depositions; and any such deposition may, on the arrest of such person, be put in on his trial for the offence with which he is charged if it is not practicable to procure the attendance of the deponent.

Record of evidence in absence of accused.

75. When a witness is produced, the evidence (if any) given by him before the committing Magistrate may, in the discretion of the presiding Judge, be treated as evidence in the case, if it was duly taken in the presence of the accused person.

Evidence given at preliminary inquiry.

Explanation.

EXPLANATION.—This section shall not authorize the Court to refer to the record of the evidence given by a witness who is absent, except in the cases in which such evidence may be referred to under the Indian Evidence Act, 1872, or other law in force for the time being upon the subject of evidence.

Commissions.

When a commission may issue.

76. Whenever, at any time after the commitment, it appears that the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the Court may dispense with his personal attendance.

Mode of issuing commission.

The Court may direct a commission to the Magistrate of the District, or to a Magistrate of the first class, in whose jurisdiction such witness may be. The Magistrate to whom the commission is directed shall proceed to the place where such witness is, or shall summon such witness before himself. Such Magistrate shall take the evidence of such witness in the same manner, and shall have for this purpose, and may exercise, the same powers as in trials of warrant cases under the Code of Criminal Procedure.

Where witness is in a Native State.

When the witness is in the territories of any Native Prince or State in India in alliance with Her Majesty, the commission may be directed to any Justice of the Peace or other officer in the service of the Crown resident in such territories; and the provisions of the second clause of this section shall apply to such Justice of the Peace or officer.

Where witness is in a Presidency Town.

If the witness is within the local limits of the ordinary original criminal jurisdiction of any of the High Courts of Judicature at Fort William, Madras and Bombay, the commission may be directed to any Police Magistrate within such limits, and such Magistrate shall have the like power to compel the attendance and examination of witnesses as he possesses for that purpose in cases pending before him.

Prosecutor and accused may examine witness.

The prosecutor and the accused person may forward interrogatories, upon which the officer to whom the commission is directed shall examine the witness,

or

or the prosecutor may appear personally before the officer to whom the commission is directed, or the prosecutor or accused person may so appear by authorized agent.

Return of commission.

After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto, and the deposition of such witness may be used as evidence in the case and shall form part of the record.

Tender of Pardon to obtain Evidence.

Court may direct tender of pardon.

77. The Court may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in, or privy to, any offence mentioned in column 7 of the fourth schedule annexed to the Code of Criminal Procedure as triable exclusively by the Court of Session, instruct the committing Magistrate to tender, or itself may, at any time before judgment, tender, a pardon to such person or persons, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances, within his or their knowledge, relative to the crime committed and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case, under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody pending the termination of the trial.

Commitment of person to whom pardon has been tendered.

78. When a pardon has been tendered under section seventy-seven, if it appears to the Court that any person who has accepted such tender has not conformed to the conditions under which it was made, either by wilfully concealing anything essential, or by giving false evidence, the Court may commit, or direct the commitment of, such person, for trial for the offence in respect of which the pardon was so tendered, or for any other offence of which he may appear to have been guilty in connection with the same matter.

The

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

Of securing Attendance of Witnesses and Production of Documents.

Procedure for obtaining attendance of witnesses.

79. The following procedure shall be pursued in order to obtain the attendance of witnesses before the Court.

Power to summon material witness or examine person present.

80. The Court may, at any stage of any proceeding, inquiry or trial, summon any witness, or examine any person in attendance though not summoned as a witness, and it shall be its duty to do so if the evidence of such person appears essential to the just decision of the case.

When warrant of arrest may issue in first instance.

81. If the Court has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, it may, instead of issuing a summons, issue a warrant of arrest in the first instance.

Procedure when warrant cannot be served.

82. If such warrant cannot be executed, and the Court considers that the witness is absconding or concealing himself for the purpose of avoiding the service thereof, it may issue a proclamation, requiring his attendance to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

If the witness does not attend at the time and place named in such proclamation, the Court may order the attachment of any moveable property belonging to such witness, to such amount as seems reasonable, not being in excess of the amount of costs of attachment and of any fine to which he may be liable under the provisions of the next following section.

Such order shall authorize the attachment of any such moveable property within the jurisdiction of the Court by which the order was made ; and if any such moveable property be without the jurisdiction of the said Court, such order when endorsed by the Magistrate of the District in which such property is situated

situated shall authorize the attachment of the property last aforesaid.

83. If the witness appears and satisfies the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property attached be released from attachment, and shall make such order in regard to the costs of the attachment as the Court thinks fit.

Release of attached property of witness appearing and satisfying Court.

If such witness does not appear, or, appearing, fails to satisfy the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not such notice of the proclamation as aforesaid, the Court may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which may be imposed upon such witness under the provisions of section 172 of the Indian Penal Code.

Sale of property of witness not appearing or not satisfying Court.

If the witness pays to such Court the costs and fine as aforesaid, his property shall be released from attachment.

84. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Court, upon proof of the summons having been duly served, may issue a warrant under its seal to bring such person before it to testify as aforesaid.

Arrest of person disobeying summons.

85. The accused person shall be allowed to examine as a witness any person in attendance.

Right of accused as to examination of witness.

86. Whenever the Court considers that the production of any document is necessary or desirable for the purposes of any investigation or judicial proceeding, the Court may issue a summons to the person in whose possession or power such document is believed to be, requiring him to attend and produce such document at the time and place stated in the summons.

Procedure for obtaining production of document required as evidence.

87. If

When warrant for search for documents may issue.

87. If there is reason to believe that the person to whom the summons is addressed will not produce the document as directed in the summons, the Court may issue a search-warrant for the document in the first instance.

Power to impound document produced.

88. The Court may, if it thinks fit, impound any document produced before it, or may, at the conclusion of the proceedings, order such document to be returned to the person who produced it.

Procedure in case of refusal to answer or produce documents.

89. If a witness refuses to answer any question which is put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any just excuse for such refusal, he shall be deemed guilty of contempt of Court.

CHAPTER VIII.

Of the Charge to the Jury.

Charge to jury.

90. When the case for the defence and the prosecutor's reply, if any, are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Duty of Judge.

91. It is the duty of the Judge to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence, or the propriety of questions asked by parties or their agents, which may arise in the course of the trial; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

to decide upon the meaning and construction of all documents given in evidence at the trial;

to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

to decide whether any question which arises is for himself or for the jury; and upon this point his decision shall be final.

The

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a.*) It is proposed to prove a statement made by a person not called as a witness, under circumstances which render evidence of his statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b.*) It is proposed to give secondary evidence of a document, the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

CHAPTER IX.

Of the Verdict and the Discharge of the Jury.

Retirement to consider.

92. After the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Duty of jury.

93. It is the duty of the jury—

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms and words used in an unusual sense, which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general, indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

Illustrations.

(1.) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(2.) The question is, whether a person entertained a reasonable belief on a particular point. Whether work was done with reasonable skill, or due diligence.

Each of these is a question for the jury.

Foreman to communicate verdict.

94. When the jury have considered their verdict, the foreman shall inform the Court what is their verdict, or what is the verdict of a majority.

Verdict to be given on each charge. Judge may question jury.

95. The jury shall return a verdict on all the charges on which the accused is tried, and the Court may ask them such questions as are necessary to ascertain what their verdict is.

Procedure where jury differ.

96. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Verdict when to be delivered.

97. A verdict of guilty or not guilty, as the case may be, shall be delivered either when the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them.

Discharge of jury in default of unanimity or majority of six with Judge's concurrence.

98. When the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

If the Judge disagrees with the majority, he shall then discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

Discharge of jury in case of sickness of juror or prisoner.

99. The Judge may also discharge the jury whenever by reason of illness a juryman becomes incapable of attending through the trial or the prisoner becomes incapable of remaining at the bar.

100. Whenever

100. Whenever the jury is discharged, the prisoner shall be detained in custody or on bail (as the case may be) and shall be tried by another jury unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

Re-trial of prisoner after discharge of jury.

101. When any person has, in a trial before a Judge of the High Court acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve for the decision of a Court consisting of two or more Judges of the High Court any question of law which has arisen in the course of the trial of such person and the determination of which would affect the event of the trial.

Power to reserve questions.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge think fit, be admitted to bail,

Procedure when question reserved.

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the High Court seem fit.

102. When more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the prosecutor may, with the consent of the Court, withdraw, or the Court of its own accord may direct the withdrawal of, the remaining charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges.

Withdrawal of remaining charges, on conviction on one of several charges.

CHAPTER X.

Of the Sentence.

103. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge who issues it.

Form and direction of warrant of commitment.

104. In

Provisions of Criminal Procedure Code, sections 303, 304, 305, applied in Mofussil.

104. In the case of a High Court holding its sittings elsewhere than in the towns of Calcutta, Madras or Bombay, the provisions of the Code of Criminal Procedure, sections 303, 304 and 305, shall apply to the officers therein mentioned.

Levy of fine.

105. Whenever an offender is sentenced to pay a fine, the Court may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Such warrant may be executed within the jurisdiction of the Court, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court, when endorsed by the Magistrate of the District in which such property is situate.

Cases to which section applies.

This section shall not apply to cases in which any special procedure is laid down by any special or local law in force for the time being for the recovery of any fine, but shall apply to cases in which no such procedure is laid down, and to all fines not levied when this Act comes into force, but which might have been levied under this section if it had been in force when they were imposed.

Payment of fine in compensation.

106. Whenever the Court imposes a fine under any law in force for the time being, the Court may order the whole or any part of the fine to be paid in compensation,

(*a*) for expenses properly incurred in the prosecution;

(*b*) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

In any subsequent civil proceedings relating to the same matter, the Court shall take into account any

any sum which may have been awarded under this section.

107. In every case punishable under any law in force for the time being with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the High Court shall be guided by the provisions of sections 64, 65, 68, 69 and 70 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

108. Sentences of whipping shall be executed in manner provided by the Code of Criminal Procedure, sections 311, 312 and 313.

Execution of sentences of whipping.

109. When a person is convicted, at one trial, of two or more offences punishable under the same or different sections of any law for the time being in force, the Court may sentence him, for the offences of which he has been convicted, to the several penalties prescribed by such enactment or enactments, which such Court is competent to inflict; such penalties, when consisting of imprisonment, or transportation, or penal servitude, to commence the one after the expiration of the other:

Sentence in cases of simultaneous conviction of several offences.

Provided that in no case shall such person be sentenced to imprisonment for a longer period than fourteen years.

Maximum term of imprisonment.

110. When sentence of death or whipping is passed on an escaped convict, the Court shall direct the new sentence to take effect without waiting for the expiration of the sentence from which he has escaped.

Currency of sentence on escaped convicts.

When any other sentence is passed on an escaped convict severer than the sentence from which he has escaped, the Court shall also direct the new sentence to take effect without waiting for the expiration of the sentence from which he escaped.

When the new sentence is not severer than the sentence from which he has escaped, the Court shall direct the new sentence to take effect after such convict has suffered imprisonment, or transportation, or penal servitude, as the case may be, for a further period

period equal to that which, at the time of his escape, remained unexpired of his former sentence.

When the former sentence on the escaped convict is or includes transportation or penal servitude for life and the Court does not sentence him to death, the new sentence shall direct that he be, as soon as practicable, sent back to the place from which he escaped.

EXPLANATION.—For the purpose of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment:

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

Sentence on offender already sentenced for another offence.

111. When sentence is passed on a person actually undergoing sentence of imprisonment or transportation, and the sentence is for imprisonment or transportation, the Court shall direct such imprisonment or transportation to commence at the expiration of the imprisonment or transportation to which he has been previously sentenced;

or, if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be for transportation or penal servitude, the Court may direct the sentence to commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced:

Proviso.

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Confinement of youthful offenders in reformatories.

112. When any person under the age of sixteen years is sentenced to imprisonment for any offence, the Court may direct that such offender, instead of being

being imprisoned in the criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

Sentence of death.

113. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Postponement of capital sentence on pregnant woman.

114. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence.

Order for disposal of property regarding which offence committed.

115. When the trial is concluded, the Court may make such order as it thinks fit for the disposal of any property produced before it, regarding which any offence appears to have been committed.

Any order under this section may be in the form of a reference to a Magistrate, who shall in such case deal with the property as if it had been seized by the Police and the seizure duly reported to him.

EXPLANATION.—In this section the term 'property' includes not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Expenses of complainants and witnesses.

116. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General in Council, the Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

CHAPTER XI.

CHAPTER XI.

Of Previous Convictions or Acquittals.

Person once convicted or acquitted not to be tried for same offence.

117. A person who has once been tried for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 20, or for which he might have been convicted under section 21.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section 19, paragraph I.

A person convicted or acquitted of any offence in respect of any act causing consequences which, together with such act, constituted a different offence from that for which such person was acquitted or convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was acquitted or convicted.

A person convicted or acquitted of any offence in respect of any facts may, notwithstanding such acquittal or conviction, be subsequently charged with and tried for any other offence which he may have committed in respect of the same facts, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

(*a.*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged with the same theft as a servant, or, upon the same facts, with theft simply or with criminal breach of trust.

(*b.*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c.*) A is tried for an assault and convicted. The person afterwards dies. A may be tried again for culpable homicide.

(*d*). A

(*d.*) A is tried under section 270 of the Indian Penal Code for malignantly doing an act likely to spread the infection of a disease dangerous to life and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged, under section 325, with voluntarily causing grievous hurt to that person.

(*e.*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried for the murder of B on the same facts.

(*f.*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B, on the same facts, unless the case comes within paragraph three.

(*g.*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*h.*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity, on the same facts.

Previous conviction to be set out in charge.

118. If the accused person has been previously convicted of any offence, and if it is intended to prove such previous conviction for the purpose of affecting the punishment which is to be awarded, the fact of the previous conviction must be stated in the charge. If it is omitted, it may be added at any time before sentence is passed, but not afterwards.

Previous conviction or acquittal how proved.

119. A previous conviction or acquittal may be proved by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the finding and sentence.

CHAPTER XII.

Of Criminal Lunatics.

Procedure in case of person committed being lunatic.

120. If any person committed for trial appears at his trial to the Court to be of unsound mind and incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment

judgment that the accused person is of unsound mind and incapable of making his defence; and thereupon the trial shall be postponed.

The trial of the fact of the unsoundness of mind of the accused person shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial.

121. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Court, if the offence of which he is accused be bailable, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Custody of lunatic.

If the offence be not bailable, or if the required bail be not given, the Court shall report the case to the Local Government, and the accused person shall be kept in safe custody in such place as the Local Government directs.

Resumption of trial.

122. Whenever a trial is postponed under section 120, the Court may at any time resume the trial, and require the accused person, if detained in custody, to be brought before the Court; or, if he has been released on security, may require his appearance.

The surety of such person shall be bound, at any time, to produce him to any officer whom the Court appoints to inspect him; and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Prisons or the Visitors of Lunatic Asylums, granted under section 127.

Procedure on accused appearing before Court.

123. If, when the accused person appears or is again brought before the Court, it appears to such Court that he is in a fit state of mind to make his defence, he shall be put on his trial.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Court shall again act according to the provisions of section 121.

Finding in case of acquittal on ground of being lunatic.

124. Whenever any person is acquitted upon the ground that, at the time at which he is charged with having committed an offence, he was, by reason of unsoundness

unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law, the finding shall state specially whether such person committed the act or not.

Person so acquitted to be kept in safe custody.

125. Whenever such finding states that the accused person committed the act charged, the Court before which the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order him to be kept in safe custody, in such place and manner as the Court thinks fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

Lunatic prisoners to be visited by Inspector General.

126. When any person is confined under the provisions of section 121 or 125, the Inspector General of Prisons, if such person is confined in a jail, or the Visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such Visitors as aforesaid; and such Inspector General or Visitors shall make a special report to the Local Government as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

127. If such person is confined under section 121 and such Inspector General or Visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Court, at such time as it appoints, and the Court shall deal with him under the provisions of section 123; and the certificate of such Inspector General or Visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 125 is declared capable of being discharged.

128. If such person is confined under the provisions of section 125, and such Inspector General or Visitors as aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his

his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum, if he has not been already sent to such an Asylum; and may appoint a commission, consisting of a judicial officer and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal inquiry into the state of mind of such person taking such evidence as is necessary, and shall report to the Local Government, who may order his discharge or detention as to it may seem fit.

Delivery of lunatic to care of relative.

129. Whenever any relative or friend of any person detained under the provisions of section 125 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order that the person detained be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be subject to be inspected by such officer, and at such times as the Local Government directs.

The provisions of sections 126 and 128 shall apply to persons detained under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate of the Inspector General of Prisons or the Visitors of Lunatic Asylums, under the said sections.

Procedure where accused does not understand the proceedings.

130. If an accused person, though not insane, cannot be made to understand the proceedings, the Court may proceed with the trial; and if such trial results in a conviction, the Court shall pass thereon such order as it thinks fit.

CHAPTER XIII.

CHAPTER XIII.

Of Prosecutions in certain Cases.

131. A complaint of an offence punishable under chapter VI of the Indian Penal Code, except section 127, or punishable under section 294 A of the said Code, shall not be entertained, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecutions for offences against the State.

132. A complaint of an offence of which any Judge or any public servant not removable from his office without the sanction of the Government is accused as such Judge or public servant, shall not be entertained against him, except with the sanction or under the direction of the Government, or of some officer empowered by the Government, or of some Court or other authority to which he is subordinate, and whose power so to sanction or direct such prosecution the Government does not think fit to limit or reserve.

Prosecution of Judges and public servants.

No such Judge or public servant shall be prosecuted for any act purporting to be done by him in the discharge of his duty, unless with the sanction of the Government.

The sanction must be given before the commencement of the proceedings.

Sanction when to be given.

In this section the expression 'Government' means either the Local Government or the Governor General in Council; and the expressions 'Judge' and 'public servant' have the meanings assigned to them respectively by the Indian Penal Code.

133. A complaint of any offence described in chapter X of the Indian Penal Code, not falling within section 175, 178, 179 or 180 of that Code, shall not be entertained by any High Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

Prosecution for contempts of the lawful authority of public servants.

134. The

Nature of sanction necessary.

134. The sanction referred to in section 133 may be expressed in general terms, and need not name the accused person, and may be given at any time.

EXPLANATION.—In cases under this chapter, the report or application of the public servant shall be deemed sufficient complaint.

Procedure in cases mentioned in section 133.

135. When the Court is of opinion that there is sufficient ground for inquiring into any charge mentioned in section 133, it may, after making such preliminary inquiry as may be necessary, either commit the case itself, or may send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law; and the Court may send the accused person in custody, or take sufficient bail for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial or inquiry.

The Magistrate receiving the case may, if he is authorized to make transfers of cases, transfer the inquiry to some other competent Magistrate, instead of completing the inquiry himself.

CHAPTER XIV.

OF BAIL.

Power to direct admission to bail.

136. The Court may in any case direct that an accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Procedure to compel payment of penalty by accused.

137. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, it shall proceed to enforce the penalty, by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within its jurisdiction.

Such

Such warrant may be executed within such limits, and it shall authorize the distress and sale of any moveable property belonging to the accused person without such limits, when endorsed by the Magistrate of the District in which such property is situate.

Procedure to compel payment of penalty by sureties.

138. Whenever, by reason of default of appearance by the person bailed, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, it shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

If such penalty be not paid, and if no sufficient cause for its non-payment be shown, the Court shall proceed to recover the penalty from such surety or sureties, by issuing a warrant for the attachment and sale of any moveable property belonging to him or them which may be found within its jurisdiction.

Such warrant may be executed within such local limits; and it shall authorize the distress and sale of any moveable property belonging to the surety or sureties without such limits, when endorsed by the Magistrate of the District in which such property is situate.

If such penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Court, in the civil jail, during a period not exceeding six months:

Remission of part of penalty.

Provided that the Court may, at its discretion, remit any portion of the penalty mentioned in the recognizance of the party or witness, or of the surety or sureties, and enforce payment in part only:

Court may direct Magistrate to levy sum forfeited.

The Court may direct any Magistrate to levy the amount due on a forfeited bail-bond executed in respect of attendance before such Court.

Deposit instead of bail.

139. When any person is required to give bail, the Court may permit him to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

CHAPTER XV.

CHAPTER XV.

OF SECURITY FOR KEEPING THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

140. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence,

and the Court is of opinion that it is just and necessary to require such person to give a personal recognizance for keeping the peace,

the Court may, in addition to any other order passed in the case, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding three years, with a provision that, if the same be not given, he shall be kept in simple imprisonment for any time not exceeding three years, unless within such period he executes such formal engagement as aforesaid.

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance, and the imprisonment in default of executing such recognizance, shall commence on the expiration of his sentence.

Security to keep the peace.

141. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court empowered to require a personal recognizance may require security in addition thereto, and may fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in simple imprisonment for any time not exceeding three years.

Power to restore possession of immoveable property.

142. Whenever a person is convicted of an offence attended with criminal force, and it appears to the Court that, by such criminal force, any person has been

been dispossessed of any immoveable property, the Court may cause such person to be restored to possession.

No order made for this purpose shall prejudice any right over such immoveable property which any person may be able to show in a civil suit.

CHAPTER XVI.

MISCELLANEOUS.

143. Nothing herein contained shall be deemed to affect the Prisoners' Testimony Act, 1869, or the Prisoners Act, 1871.

Saving of Acts XV of 1869 and V of 1871.

144. The Advocate General may, with the previous sanction of the Governor General in Council or the Local Government, exhibit to the local High Court, against persons subject to the jurisdiction of the said Court, informations for all purposes for which Her Majesty's Attorney-General may exhibit informations on behalf of the Crown in the Court of Queen's Bench or Exchequer.

Advocate General may exhibit informations.

Such proceedings may be taken upon every such information as may lawfully be taken in case of similar informations filed by Her Majesty's Attorney-General in England, so far as the circumstances of the case and the course and practice of proceeding in the said High Courts respectively will admit.

All fines, penalties, forfeitures, debts and sums of money recovered or levied under or by virtue of any such information shall belong to the Government of India.

145. Upon charges preferred by the Advocate General or by any Magistrate or other officer specially empowered by the Government in this behalf, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions herein contained as to the amendment and alteration of charges, and subject also to the provisions of section 24) shall be tried upon the charges so recorded.

Effect of charge preferred by Advocate General.

146. At

Power to enter *nolle prosequi.*

146. At any stage of any proceeding under this Act, before the return of the verdict, the Advocate General may, if he think fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the information or charge; and thereupon all proceedings on such information or charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

Power of Presidency High Court to transfer to itself cases from Police Magistrates.

147. Whenever it appears to the High Court of Judicature at Fort William, Madras or Bombay, that the direction hereinafter mentioned will promote the ends of justice, it may direct the transfer to itself of any particular case from any criminal Court situate within the local limits of its ordinary original criminal jurisdiction, and the High Court shall have power to determine the case so transferred, and to quash or affirm any conviction or other proceeding which may have been had therein, but so that the same be not quashed for want of form, but on the merits only.

Power to issue directions of the nature of a *habeas corpus.*

148. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

(*a*) that a prisoner, legally committed and within the local limits of its ordinary original criminal jurisdiction, be brought up before it to be bailed:

(*b*) that a person within such limits be brought up before the Court to be dealt with according to law:

(*c*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty:

(*d*) that a prisoner detained in any gaol situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court:

(*e*) that a prisoner detained as aforesaid be brought before a Court Martial or any Commissioners acting

acting under the authority of any commission from the Governor General in Council, for trial, or to be examined touching any matter depending before such Court Martial or Commissioners respectively:

(*f*) that a prisoner within such limits be removed from one custody to another for the purpose of trial:

(*g*) that the body of a defendant within such limits may be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment;

and neither the High Court nor any Judge thereof shall hereafter issue any writ of *habeas corpus* for any of the above purposes.

Each of the said High Courts shall, as soon as conveniently may be, frame rules to regulate the procedure in cases under this section; and till such rules are framed, the practice of such Courts as to the obtaining, granting and serving of writs of *habeas corpus*, and as to the returns thereto, shall apply in such cases.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, or the Acts of the Governor General in Council No. XXXIV of 1850 or No. III of 1858.

Courts and persons before whom affidavits may be sworn.

149. Affidavits and affirmations to be used before any High Court or any officer of such Court, may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Criminal Courts to be open.

150. Every High Court in the exercise of its original criminal jurisdiction shall be deemed an open and public Court, to which the public generally may have

have access, so far as the same can conveniently contain them :

But the presiding Judge may, if he thinks fit, order that, during the trial of any particular case, no person shall have access to, or be, or remain in, the room or building used by the Court, without the consent or permission of the Court.

Compounding offences.

151. In the case of offences which may lawfully be compounded, injured persons may compound the offence out of Court, or in Court with the permission of the Court.

Such withdrawal from the prosecution shall have the effect of an acquittal of the accused person.

Judges of High Courts to be Justices of the Peace *virtute officii.*

152. Every Judge of a High Court shall, by virtue of his office, be a Justice of the Peace within and for the whole of British India.

Pending cases.

153. Cases pending, when this Act comes into force, in any High Court in the exercise of its original criminal jurisdiction shall be decided, as far as may be, according to the procedure provided in this Act.

THE SCHEDULE.

THE SCHEDULE.

(*See section* 2).

ACTS.

Number and year.	Subject or Title.	Extent of repeal.
XXXI of 1838 ...	Supreme Courts, Criminal Law	So much as has not been repealed.
XXII of 1839 ...	An Act for enabling persons charged with offences to make their defence more effectually.	So much as has not been repealed.
IV of 1849 ...	Criminal Lunatics ...	So much as has not been repealed.
XVI of 1852 ...	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	So much as has not been repealed.
XVIII of 1859 ...	An Act to amend the law relating to offences declared to be punishable on conviction before a Magistrate.	So much as has not been repealed.
XVIII of 1862 ...	An Act to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature.	Sections 1 to 25 (both inclusive): sections 36 to 46 (both inclusive): and sections 54, 55 and 56.
XIII of 1865 ...	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	So much as has not been repealed.

ACTS—(*concluded*).

Number and year.	Title.	Extent of repeal.
IV of 1866 ...	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections 21 to 41 (both inclusive), and section 20, except the first twenty-two words.
XVI of 1866 ...	An Act to relieve the Governor General of India in Council from the duty of signing the commissions mentioned in sections 22 and 44 of the High Courts Criminal Procedure Amendment Act, 1865.	The whole.
XXIV of 1866 ...	An Act to amend the procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William.	Sections 2 to 17 (both inclusive).
XIII of 1869 ...	An Act further to amend the procedure of the High Court of Judicature for the North-Western Provinces.	Sections 1 and 2, and so much of sections 3 and 4 as relates to criminal jurisdiction.
XXII of 1870 ...	An Act to confirm certain laws affecting European British subjects.	Section 3.

STATUTES.

Number and year.	Title or abbreviated title.	Extent of repeal.
13 Geo. III, c. 63	An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 34. In section 38, the words "and the Chief Justice and other Judges of the said Supreme Court of Judicature."

STATUTES—(*concluded.*)

Number and year.	Title or abbreviated title.	Extent of repeal.
33 Geo. III, c. 52	*An Act whose title begins with the words* An Act for continuing, *and ends with the words* and Bombay.	Sections 153 and 154.
53 Geo. III, c. 155	*An Act whose title begins with the words* An Act for continuing, *and ends with the words* Company's Charter.	Sections 100, 102, 103.
9 Geo. IV, c. 74	An Act for improving the administration of Criminal Justice in the East Indies.	The whole Act except sections one, seven, eight, nine, twenty-five, twenty-six, and fifty-six.

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ACT No. XI of 1875.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 9th March 1875).

An Act to amend the Law relating to Salt in the Presidency of Fort St. George.

WHEREAS it is expedient to amend the law relating to the price of salt sold under the orders of Government in the Presidency of Fort St. George; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Madras Salt Act, 1875:" Short title.

It extends to the territories under the government of the Governor of Fort St. George in Council; Local extent.

And it shall come into force at once. Commencement.

2. The Governor General in Council may from time to time, by notification published in the *Gazette of India*, impose, for any local area, a duty on salt manufactured or sold therein under the orders of the Governor of Fort St. George in Council, not exceeding one rupee and thirteen annas for every maund of three thousand two hundred tolas. Power to impose, for any local area, duty on salt manufactured or sold under orders of Government.

3. Whenever any such notification is published, the enactments mentioned in the schedule hereto annexed shall be repealed in such local area, and the Local Government shall from time to time, by notification in the *Fort St. George Gazette*, fix as part of the price of every maund of salt so to be sold within such local area, or any part thereof, such additional sum or sums as it may deem sufficient to cover the cost of importation, purchase, manufacture, storage, transport, sale and wastage. Power to impose, for any local area, additional sum to cover cost of salt.

4. The

[*Price one anna.*]

Power to alter additional sum.

4. The Local Government may vary such additional sum or sums for any description of salt, or for any part of such local area, with reference to all or any of the following considerations (namely) :—

(*a*) the place in which the salt is sold;

(*b*) the quantity of the salt sold in any transaction;

(*c*) any other circumstances affecting its sale.

Price to be paid in each local area for salt sold.

5. The price to be paid to the Local Government in any part of any local area mentioned in any notification under section three or four shall, for every maund of salt sold in such area or part, be the total amount of the duty and additional sum for the time being so imposed and fixed for such salt as aforesaid.

The price payable in any local area for any description of salt at the date of the publication of any notification under section two, shall be taken to be the price payable under this section for such description of salt, until an additional sum is fixed under section three for such area.

SCHEDULE.

(*See section* 3).

The following portions of Act No. XXIV of 1869 (*to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay*), namely,

in the title, the words "the price of salt in the Presidency of Fort St. George and:"

in the preamble, the words "the price of salt manufactured and sold in the Presidency of Fort St. George and;" and

in section two, paragraph one and the first word of paragraph two,

and so much of the second schedule to the Laws Local Extent Act, 1874, as refers to Act No. XXIV of 1869.

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THE INDIAN PORTS ACT, 1875.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
2. Present local extent.
   Power to extend this Act.
3. Repeal of Acts.
4. Interpretation-clause.

CHAPTER II.

OF THE POWERS OF THE LOCAL GOVERNMENT.

5. Power to extend this Act.
   Power to extend specially sections 38, 39, 40 and 41.
   Power to withdraw this Act.
6. Limits how to be altered.
7. Local Government empowered to make Port-rules as to—
   (*a*) entering or leaving port:
   (*b*) berths of vessels:
   (*c*) striking yards, &c.:
   (*d*) removal of anchors, &c.:
   (*e*) taking in or discharging ballast:
   (*f*) keeping free passage:
   (*g*) regulating the anchoring:
   (*h*) moving and warping:
   (*i*) use of mooring buoys:
   (*j*) rates for use of mooring buoys:
   (*k*) cargo-boats, &c.:
   (*l*) fires and lights:
   (*m*) signal lights:
   (*n*) number of crew:
   (*o*) possession of gunpowder.

CHAPTER III.

[*Price eleven annas and nine pies*]

CHAPTER III.

Of Port Officers, their Powers and Duties.

Sections.

8. Appointment of Conservator.
9. Conservator empowered to give directions for certain specified purposes.
Penalty for disobedience to Conservator's orders.
Expenses caused thereby to be paid by offender.
Service of written notice.
10. Power to cut warps, ropes, &c.
11. Power to remove floating timber, &c., or obstruction on shore within limits of port.
Expenses of removal.
Penalties for causing obstruction or public nuisance.
12. Recovery of expenses of removal.
Power to sell timber, &c.
Proceeds how dealt with.
13. Removal of obstructions lawfully made.
Compensation how determined.
14. Notice to Conservator, if vessel fouls Government moorings.
Expense of clearing vessel.
Penalty.
15. Power to raise wreck, &c., impeding navigation within the port.
Expense how recoverable.
16. Power to board vessels.
17. Power to require crews to prevent or extinguish fire.
18. Powers of Conservator may be exercised by Harbour-Master.
19. Indemnity to Government against default of Harbour-Master, &c.
Proviso.

CHAPTER IV.

Rules for the Safety of Shipping and the Preservation of Ports.

20. Injuring buoys, &c.
21. Wilfully loosening vessel from moorings.
22. Improperly discharging ballast.
23. Graving, &c., vessel within prohibited limits.
24. Boiling pitch, &c., on board vessel within prohibited limits.
25. Drawing spirits by unprotected artificial light.
26. Warping.
27. Leaving out hawser, &c., after sun-set.

Gunpowder.

Gunpowder.

SECTIONS.

28. Place of deposit for gunpowder.
29. Government to fix time and manner of landing and shipping powder, &c.
30. Master to make declaration.
31. Officer to give receipt and to account for powder deposited.
32. If by stress of weather powder is not landed, notice to be given.
33. Time, &c., for vessels outward bound to take in powder.
34. Penalties for having prohibited powder on board.
35. Guns not to be discharged in port.
Exception.
Penalty.

Extinguishment of Fires.

36. Penalty on Master omitting to take order to extinguish fire.

Inflammable Oil.

37. Power to make rules for prevention of fire from inflammable oil.

Special Rules.

38. Vessels in certain cases not to be moved without having a pilot, &c., or permission of Harbour-Master.
39. Vessels above 200 tons to be provided with force-pump, &c.
40. Unauthorized person not to search for lost stores.
41. Removing stones, &c., or injuring shores of port prohibited.

Publication of Orders.

42. Publication of orders of Local Government.
Penalty for disobedience to rules.

CHAPTER V.

OF SALVAGE IN PORTS.

43. Salvage payable for wreck, &c.
Register to be kept.
44. Property recovered may, in certain cases, be sold.
Proceeds how applied.

CHAPTER VI.

OF PORT-DUES AND CHARGES.

45. Levy of Port-dues.
46. Local Government may vary port-dues.
Proviso.

SECTIONS.

47. Accounts of port-dues.
48. Collection of port-dues.
Voucher to be given.
49. Master to report arrival.
50. Conservator may, in certain cases, ascertain draught, and charge expense to Master.
51. Tonnage of vessel liable to port-dues how ascertained
if registered;
if not registered.
52. On refusal to pay port-dues, &c., the Collector may distrain and sell.
53. No port-clearance to be granted until dues, &c., are paid.
54. Port-dues, &c., payable in one port, recoverable by Collector at any other port.
55. Penalty for evading payment of port-dues, &c.
56. Port-due on vessels in ballast.
57. Port-due on vessels not discharging or taking in cargo.
58. Port-dues not chargeable on vessels re-entering from stress of weather.

Hospital Port-dues.

59. Power to impose hospital port-dues.
60. Application of hospital port-dues.

Fees for certain Services.

61. Fees for pilotage, hauling, re-mooring, &c.

CHAPTER VII.

OF HOISTING SIGNALS.

62. Master to hoist number of vessel.
63. Penalty for not hoisting signal.
64. Pilot to require Master to hoist signal.
And if Master refuses to do so, pilot may anchor.
65. Punishment of pilot disobeying provisions of this chapter.

CHAPTER VIII.

OF PENALTIES.

66. Offences how triable, and penalties how recovered.
67. Costs of conviction.
68. Damages, &c., payable under this Act, how ascertained and recovered.
69. Costs of distress.

70. Magistrate

SECTIONS.

70. Magistrate to determine the amount to be levied in case of dispute.
71. Jurisdiction over offences beyond local limits of jurisdiction.
72. Conviction to be quashed on merits only.
Form of conviction.

CHAPTER IX.

MISCELLANEOUS.

73. Hoisting unlawful colours in port.
74. Foreign deserters.
75. Application of sections 11 and 22.
76. Disputes concerning amount due under section 15 or section 43.
77. Amendment of Act XIII of 1867.

THE FIRST SCHEDULE.—Ports, vessels chargeable, rate of port-dues, and frequency of payment.
THE SECOND SCHEDULE.—Enactments repealed.

ACT No. XII OF 1875.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th March 1875).

An Act to consolidate and amend the law relating to Ports and Port-dues.

WHEREAS it is expedient to consolidate and amend the law relating to Ports and Port-dues; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Indian Ports Act, 1875:" Short title.

2. It shall extend—

(*a*) to the ports mentioned in the first schedule hereto annexed, and to such parts of the navigable rivers and channels leading to such ports respectively, as have been declared to be subject to Act No. XXII of 1855 *(for the regulation of Ports and Port-dues)*; Present local extent.

(*b*) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act. Power to extend this Act.

But nothing herein contained shall—

(*c*) apply to any vessel belonging to, or in the service of, Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State;

(*d*) deprive any person of any right of property or other private right, except as hereinafter expressly provided; or

(*e*) affect

(*e*) affect any law or rule relating to the Customs, or any order or direction lawfully made or given pursuant thereto.

And nothing contained in any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, shall apply to any port, river or channel to which such section has not been specially extended by the Local Government.

Repeal of Acts.

3. The Acts mentioned in the second schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Every declaration, appointment or rule made under any such Act and now in force shall be deemed to have been made under this Act.

The references made to any Act or provision of an Act hereby repealed shall be read as if made to this Act or the corresponding provision of this Act, as the case may be.

Interpretation-clause.

4. In this Act, unless there be something repugnant in the subject or context—

"Vessel."

"Vessel" includes anything made for the conveyance by water of human beings or of property:

"Master."

"Master," when used in relation to any vessel, means any person (except a Pilot or Harbour-Master) having for the time being the charge or control of such vessel:

"Pilot."

"Pilot" means a person for the time being authorized by the Local Government to pilot vessels:

"Owner."

"Owner" includes also any agent to whom a vessel is consigned:

"Gunpowder."

"Gunpowder" includes also rockets and other combustible ammunition:

"Magistrate."

"Magistrate" means a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the Second Class and includes, in the Towns of Calcutta, Madras and Bombay, a Magistrate of Police; and

"Port."

"Port" includes also any part of a river or channel in which this Act is for the time being in force.

CHAPTER II.

CHAPTER II.

Of the Powers of the Local Government.

5. With the previous sanction of the Governor General in Council, the Local Government may from time to time, by notification in the official Gazette,

Power to extend this Act.

(*a*) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force,

(*b*) extend specially the provisions of any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, to any port or to any part of any such river or channel to which such provisions have not been so extended,

Power to extend specially sections 38, 39, 40 and 41.

(*c*) withdraw this Act from any port or any part thereof in which it is for the time being in force:

Power to withdraw this Act.

Provided that every notification under clause (*a*) or clause (*b*) of this section may define the limits of the port, river or channel to which it refers, and that such limits may extend to high-water-mark.

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of such port, river or channel, whether within or without high-water-mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of such line.

Explanation:—In this section 'high-water-mark' means the highest point reached by ordinary spring-tides at any season of the year.

6. The Local Government may from time to time, with the like sanction, and subject to the rights referred to in section five, alter the limits of any port in which this Act may be in force, and declare or describe, by notification in the official Gazette or by means of maps, posts or otherwise, the precise extent of such limits.

Limits how to be altered.

7. The Local Government may, from time to time, make such rules, consistent with this Act, as it may think

Local Government empowered to

make Port-rules as to— think necessary for any of the following purposes, namely,—

entering or leaving port: (*a*) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act:

berths of vessels: (*b*) for regulating the berths, stations and anchorages to be occupied by vessels in any such port:

striking yards, &c.: (*c*) for striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port; and for swinging or taking-in davits, boats and other things projecting from such vessels:

removal of anchors, &c.: (*d*) for the removal or proper hanging or placing of anchors, spars, and other things, in or attached to vessels in any such port:

taking in or discharging ballast: (*e*) for regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged:

keeping free passage: (*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same; and for marking out the spaces so to be kept free:

regulating the anchoring: (*g*) for regulating the anchoring, fastening, mooring, and unmooring of vessels in any such port:

moving and warping: (*h*) for regulating the moving and warping of all vessels within any such port and the use of warps therein:

use of mooring buoys: (*i*) for regulating the use of the mooring buoys, chain and other moorings, in any such port:

rates for use of mooring buoys: (*j*) for fixing from time to time the rates to be paid for the use of such moorings when belonging to Government, or of any boat, hawser, or other thing belonging to Government:

cargo-boats, &c.: (*k*) for licensing and regulating cargo and other boats, and catamarans plying for hire in any such port:

fires and lights: (*l*) for regulating the use of fires and lights within any such port:

(*m*) for

(*m*) for enforcing and regulating the use of signal-lights by vessels at night in any such port: signal-lights:

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port: number of crew:

(*o*) for fixing the limits within which vessels shall be prohibited from having on board in any such port any quantity of gunpowder in excess of such quantity as the Local Government prescribes in this behalf. possession of gunpowder.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8. The Local Government shall appoint some officer or body of persons to be Conservator of every port subject to this Act, and may suspend or remove such officer or body. Appointment of Conservator.

Subject to any direction by the Local Government to the contrary—

(*a*) in ports where there is a Master Attendant, such Master Attendant shall be the Conservator:

(*b*) in ports where there is no Master Attendant, but where there is a Harbour-Master, such Harbour-Master shall be the Conservator.

Where the Harbour-Master is not Conservator, the Harbour-Master and his Assistants shall be subordinate to, and subject to the control of, the Conservator.

The Conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

9. The Conservator of any port subject to this Act may, in respect of any vessel within such port, give directions for carrying into effect any port-rule for the time being in force therein. Conservator empowered to give directions for certain specified purposes.

Whoever wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of such Conservator, after notice thereof has been given to him, shall, for every such offence, be punished with Penalty for disobedience to Conservator's orders.

fine

fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction;

Expenses caused thereby to be paid by offender.

and, in case of such refusal or neglect, the said Conservator may do, or cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose; and all reasonable expenses incurred in doing such acts shall be paid by the person so offending.

Service of written notice.

Any written notice of a direction given under this Act, left for the Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

Power to cut warps, ropes, &c.

10. The Conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser, endangering the safety of any vessel in such port or at or near to the entrance thereof.

Power to remove floating timber, &c., or obstruction on shore within limits of port.

11. The Conservator may remove, or cause to be removed, any timber, or obstruction, raft, or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof; or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property;

Expenses of removal.

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal;

Penalties for causing obstruction or public nuisance.

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

And

And the Conservator or any Magistrate having jurisdiction over the offence may cause such nuisance to be abated.

12. If the owner of any such timber or raft, or the person who has caused any such obstruction, impediment, or public nuisance as is mentioned in section eleven, neglects to pay the expense of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act; Recovery of expenses of removal.

and the Conservator may cause such timber, raft, or other thing, or the materials of any nuisance or obstruction so removed, or so much thereof as may be necessary, to be sold by public auction; Power to sell timber, &c.

and may retain all the expenses of such removal and sale out of the proceeds of such sale; and shall pay the surplus of such proceeds, or deliver so much of the said timber or other materials as may remain unsold, to the person entitled to receive the same; Proceeds how dealt with.

and, if no such person appear, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

13. If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the Conservator shall report the same for the information of the Local Government, and shall, with the sanction of such Government, cause the same to be removed or altered, making to the person suffering damage by such removal or alteration reasonable compensation for the same. Removal of obstructions lawfully made.

Every

Compensation how determined.

Every dispute arising concerning such compensation, shall be determined according to the law relating to like disputes in the case of land required for public purposes.

Notice to Conservator, if vessel fouls Government moorings.

14. If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the Master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the Conservator,

and the Conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

Expense of clearing vessel.

and the Master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

Penalty.

Any Master offending against the provisions of this section shall, for every such offence, be punished with fine which may extend to one hundred rupees.

Power to raise wreck, &c., impeding navigation within the port.

15. If any vessel be wrecked, stranded or sunk in any such port, so as to impede, or be likely to impede, the navigation thereof, the Conservator may cause the same to be raised, removed or destroyed;

Expense how recoverable.

and may recover the same on behalf of the Local Government in the manner provided by section forty-four.

Power to board vessels.

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed contrary to this Act, or whenever it is necessary for him so to do in the discharge of any duty hereby imposed upon him;

and the Collector of Customs, or other officer appointed to collect any port-dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such Collector or other officer,

either

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

If the Master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any officer or other person to board or enter such vessel, building or place for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees.

Power to require crews to prevent or extinguish fire.

17. For the purpose of preventing or extinguishing fire in any port subject to this Act, the Conservator may require the Master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such Master.

Any Master refusing or neglecting to comply with such requisition shall be punished with a fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the Master to obey the Conservator's orders for the purpose aforesaid, refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

Powers of Conservator may be exercised by Harbour-Master.

18. All acts, orders or directions by this Act authorized to be done or given by any Conservator may, subject to his control, be done or given by any Harbour-Master or any Assistant of such Conservator or Harbour-Master,

and any person hereby authorized to do any act may call to his aid such assistance as may be necessary.

Indemnity to Government against default of Harbour-Master, &c.

19. The Government shall not be answerable for any act or default of any Master Attendant, Harbour-Master, or other Conservator of any port subject to this Act; or of any Pilot; or of any Deputy or Assistant of any of the officers above-mentioned; or of any person acting under the authority or direction of any such officer or Assistant, done within the limits of such port,

nor

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to Government, within the said limits, which may be used by such vessel:

Proviso.

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of Government.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS.

Injuring buoys, &c.

20. No person shall, without lawful excuse, lift, injure, loosen, or set adrift any buoy, beacon, or mooring, fixed or laid down by, or by the authority of, the Local Government in any port subject to this Act.

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

Wilfully loosening vessel from moorings.

21. Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or Master of such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Improperly discharging ballast.

22. No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port, or into or upon any place on shore, from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

Whoever

Whoever by himself or another so casts or throws the same, and the Master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same. If after receiving notice from the Conservator of the port to desist casting or throwing any such ballast or other thing, any Master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port with the consent in writing of the Conservator, or within any limits within which such act may be authorized by the Local Government.

Graving, &c., vessel within prohibited limits.

23. If any person grave, bream, or smoke any vessel in any such port, contrary to the directions of the Conservator, or at any time or within any limits at or within which such act is prohibited by any order of the Local Government, such person, and also the Master of such vessel, shall for every such offence be punished with fine which may extend to five hundred rupees.

Boiling pitch, &c., on board vessel within prohibited limits.

24. If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the order or directions of the Conservator, such person, and also the Master of any vessel on board which such offence is committed, shall for every such offence be punished with fine which may extend to two hundred rupees.

Drawing spirits by unprotected artificial light.

25. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, such person, and also the Master of every such vessel, shall for every such offence be punished with fine which may extend to two hundred rupees.

Warping.

26. Every Master of a vessel in any port subject to this Act shall, when required so to do by the Conservator

Conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp to be let go until required so to do.

Any Master offending against the provisions of this section shall be punished for every such offence with a fine which may extend to two hundred rupees.

Leaving out hawser, &c., after sun-set.

27. No Master of any vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act, after sun-set, in such a manner as to endanger the safety of any boat or other vessel navigating in such port.

Any Master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees.

Gunpowder.

Place of deposit for gunpowder.

28. The Local Government shall appoint a proper place in which gunpowder in excess of the quantity allowed by rule under section seven, clause (*o*), for any ship in any port subject to this Act, shall be deposited; and shall also appoint an officer to receive the same.

Government to fix time and manner of landing and shipping powder, &c.

29. The Local Government may in such case by order fix the times at or within which, and the manner in which, such gunpowder, shall be landed and deposited by any vessel inward-bound, and also the times at or within which, and the manner in which, the same shall be taken on board any vessel from such place of deposit.

Master to make declaration.

30. The Master of such vessel shall, upon such gunpowder being deposited, make and sign a declaration in writing that there is not then, to his knowledge or belief, on board such vessel any gunpowder exceeding the quantity allowed by the rule last aforesaid.

Officer to give receipt and to account for powder deposited.

31. The officer with whom such gunpowder is deposited shall give a receipt for the same to the Master or other person making the deposit, and he shall be accountable to such Master or other person for the re-delivery of the same.

32. If

32. If any vessel be prevented by stress of weather from landing or depositing such gunpowder, in excess of the quantity allowed as aforesaid, the Master or owner of such vessel shall, so soon as the weather permits, land and deposit the same at the place so appointed as aforesaid, or shall forthwith give notice to the Conservator, or other officer named for that purpose by any order of the Local Government, of his having such gunpowder on board, and shall obey his directions relating to the same.

If by stress of weather powder is not landed, notice to be given.

33. The Local Government may also, in respect to such port, by order, fix the times and places at which, and the manner in which, vessels outward-bound, requiring to take in any gunpowder, exceeding the quantity above-mentioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

Time, &c., for vessels outward-bound to take in powder.

34. The Master of any vessel having on board any gunpowder contrary to the provisions of this Act, shall for every such offence be punished with fine which may extend to two hundred rupees;

Penalties for having prohibited powder on board.

and all gunpowder on board any vessel contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the Conservator, or by any Collector of Customs, or by any Custom-house officer, or other officer authorized in that behalf by the Local Government, within the limits of their respective jurisdictions.

35. Whoever, without lawful excuse, discharges any gun, musket, or other firearm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Guns not to be discharged in port.

Exception.

Penalty

Extinguishment of Fires.

36. The Master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished with

Penalty on Master omitting to take order to extinguish fire.

with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Inflammable Oil.

Power to make rules for prevention of fire from inflammable oil.

37. The Local Government may from time to time make rules for regulating—

(*a*) the prevention of injury from fire in ports and places at which vessels entering port with inflammable oil on board are to be moored;

(*b*) the mode in which such oil shall be landed from or shipped on board of such vessels.

Explanation.—"Inflammable oil" includes petroleum, benzole, kerosine and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

Special Rules.

Vessels in certain cases not to be moved without having a pilot, &c., or permission of Harbour-Master.

38. No vessel of the burden of two hundred tons or upwards, shall be moved in any port to which this section has been specially extended without having a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master on board; and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved in any such port without having on board a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority.

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the Master of such vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the Master be unable to procure a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master to go on board the said vessel.

Vessels above 200 tons to be provided with force-pump, &c.

39. Every vessel exceeding the burden of two hundred tons and lying in any such port shall be provided with

with a proper force-pump, hose and appurtenances, for the purpose of extinguishing any fire that may occur on board.

The Master of every such vessel who, having been required by the Conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

Unauthorized person not to search for lost stores.

40. No person, unless duly authorized by the Conservator, shall creep or sweep in any such port for anchors, cables or other stores lost or supposed to be lost therein.

Whoever offends against the provisions of this section shall be punished with fine which may extend to one hundred rupees.

Removing stones, &c., or injuring shores of port prohibited.

41. No person shall, without the permission of the Conservator, remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of any such port;

and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person (if any) as he may appoint to take part in, or overlook the performance of, such work.

Whoever offends against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore.

Publication of Orders.

Publication of orders of Local Government.

42. Every declaration, order and rule of a Local Government, made in pursuance of this Act, shall be published in the official Gazette; and a copy thereof shall be fixed up in some conspicuous place in the office of the Conservator of every port to which such order

order relates, and in the Custom-house, if any, of every port subject to this Act.

Penalty for disobedience to rules.

Whoever disobeys any such order or rule shall be liable to a fine not exceeding one hundred rupees for every such offence.

And in the case of disobedience to any rule made under section thirty-seven, the owner or Master of the vessel concerned shall also be punished with a fine not exceeding two hundred rupees for each day during which such rule is disobeyed.

CHAPTER V.

Of Salvage in Ports.

Salvage payable for wreck, &c.

43. If any anchors, wreck, stores, or other property be recovered by any officer employed by the Local Government for that purpose, from the surface, bed or shore of any port subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery.

Register to be kept.

A register shall be kept of all property so recovered, in such manner and at such place as the Local Government may direct.

It shall contain a description of such property, and of the times and places where the same has been recovered;

and it shall be open to public inspection at reasonable office-hours, except on Sundays and such holidays as the Local Government may direct.

Property recovered may, in certain cases, be sold.

44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed,

or if the person claiming the same fails to pay the amount due to the Local Government in respect thereof,

such property may be sold by public auction, if of a perishable nature, forthwith; and if not of a perishable nature, at any period not less than six months after the recovery thereof;

and

and on the realization of the proceeds, the amount due to the Local Government for salvage, or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same:

Proceeds how applied.

Provided that he makes his claim within one year from the date of the sale.

CHAPTER VI.

Of Port-dues and Charges.

45. In each of the ports mentioned in the first schedule hereto annexed, such port-due not exceeding the amount specified for such port in the third column of the same schedule as the Local Government from time to time directs shall be levied on vessels entering the same port and described in the second column of the same schedule, but not oftener than the time fixed for such port in the fourth column of the same schedule.

Levy of port-dues.

Whenever the Local Government, with the previous sanction of the Governor-General in Council, has declared or hereafter declares any port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare—

(*a*) the maximum amount of dues to be levied on vessels entering such port;

(*b*) the conditions and modifications under which such dues shall be levied;

and may also, from time to time, with the like sanction, vary such conditions and modifications; and such dues shall be levied accordingly.

All port-dues now leviable in any of the said ports shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

No

No port-dues or fees shall hereafter be levied in any port except under the authority of this Act.

No order increasing or imposing port-dues under this section shall take effect until the expiration of sixty days from the day on which such order has been published in the local official Gazette.

Local Government may vary port-dues.

46. The Local Government may, from time to time, exempt the vessels entering any port subject to this Act from the levy of port-dues and cancel such exemption, or it may from time to time vary the rate at which port-dues shall be levied in any such port, in such manner as, having regard to the receipts and charges on account of that port, it thinks expedient, by reducing or raising the dues, or any of them:

Proviso.

Provided that the rates shall not in any case exceed the amount authorized to be taken by this Act.

Accounts of port-dues.

47. For every port at which port-dues are levied under this Act, a distinct account, to be called the Account of the Port Fund of the port to which it relates, shall be kept by such officer as the Local Government may appoint for that purpose.

This account shall show in complete detail the receipts and charges of the port; and an abstract statement of every such account shall be published annually, as soon after the first of May of each year as may be practicable, in which statement the balance at the close of the year at the credit or debit of the port shall be shown.

If, for any of the purposes of this Act, an advance of money has been or shall be made by Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the Port Fund Account thereof.

All expenses, including the pay and allowances of all persons upon the establishment of the port, the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in, or entering, or leaving the port, or passing through the

the rivers or channels leading thereto, but excluding receipts and expenses on account of pilotage, incurred for the sake of every such port, shall be charged in the Port Fund Account of that port.

And all money, including salvage-money, proceeds of waifs, and fines, received under this Act, at or on account of every such port, shall be credited in the Port Fund Account of that port.

The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port; and thereupon all sums received on account of port-dues at any of the same ports shall form a common fund which shall be available for the payment of all charges incurred on account of any of the same ports, and such balance as may remain after payment of such expenses may be temporarily invested in such manner as the Local Government may from time to time direct.

Collection of port-dues.

48. The Collector of Customs at every such port, or such other officer as the Local Government appoints in this behalf, shall collect the port-dues above-mentioned.

Voucher to be given.

The officer to whom any such port-dues are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the port-dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

Master to report arrival.

49. Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this or any subsequent Act, the Master of such vessel shall report such arrival to the Conservator of such port.

Any Master without lawful excuse failing to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

50. If

Conservator may in certain cases ascertain draught, and charge expense to Master.

50. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern-posts thereof for denoting her draught, the Conservator may cause the same to be ascertained by means of the operation of hooking, and the Master of such vessel shall be liable to pay the expenses of such operation.

Tonnage of vessel liable to port-dues how ascertained

51. In order to ascertain the tonnage of any vessel liable to pay port-dues, the following rules shall be observed :—

if registered;

(*a*).—If such vessel be a British registered vessel, or a vessel registered under Act No. X of 1841 or Act No. XI of 1850, or under the laws for the time being in force for the registration of vessels in India, the Conservator may require the owner or Master of such vessel, or any person having possession of her register, to produce such register for inspection. If any such owner, Master, or other person neglect or refuse to produce such register, or otherwise to satisfy the Conservator as to what is the true tonnage of the vessel in respect of which such port-dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Conservator may cause such vessel to be measured, and the tonnage thereof to be ascertained; and in such case the owner or Master of such vessel shall also be liable to pay the expenses of such measurement.

if not registered.

(*b*).—If such vessel be not a British registered vessel, or a vessel registered under Act No. X of 1841 or Act No. XI of 1850, or under the laws for the time being in force for the registration of vessels in India, and the owner or Master thereof fail to satisfy the Conservator as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Conservator shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained; and in such case, the owner or Master of such vessel shall be liable to pay the expenses of such measurement.

52. If

52. If the Master of any vessel, in respect of which any port-dues or charges are payable under this Act refuses or neglects to pay the same on demand, the Collector of Customs, or other person authorized to collect such port-dues, fees or charges, may distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

On refusal to pay port-dues, &c., the Collector may distrain and sell.

and in case any part of the said port-dues or charges, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Collector of Customs, or other such person as aforesaid, may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, charges and costs, including the costs of sale remaining unpaid, and shall render the surplus (if any) to the Master of such vessel upon demand.

53. The officer of Government, whose duty it is to grant a port-clearance for any vessel, shall not grant such clearance—

No port-clearance to be granted until dues, &c., are paid.

(*a*) until her owner or Master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and charges, and of all fines, penalties and expenses to which such vessel or her owner or Master is liable under this Act;

(*b*) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the port from which she seeks clearance, have been duly paid.

54. If the Master of any vessel in respect of which any port-dues or charges are payable causes her to leave any port without having discharged such dues, fees, or charges, the Collector of Customs or other officer authorized to collect the same may require in writing the Collector of Customs or other officer as aforesaid, in any other port in British India

Port-dues, &c., payable in one port recoverable by Collector at any other port.

to

to which she may proceed or in which she may be, to levy such dues or charges.

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues or charges in the manner prescribed in section fifty-two; and a certificate purporting to be made and signed by the Collector of Customs or other officer as aforesaid of the port where the port-dues or charges became payable, stating the amount so payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under the said section, and also (in case the amount payable is disputed) in any subsequent proceeding under section seventy.

Penalty for evading payment of port-dues, &c.

55. If the Master of any such vessel evades the payment of any port-dues or charges payable under this Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable.

In any proceeding before a Magistrate for the adjudication of such penalty, any such certificate as is mentioned in section fifty-four stating that the Master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the vessel without having discharged the dues or charges payable was caused by stress of weather or that there was lawful or reasonable ground for such departure.

Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

Port-due on vessels in ballast.

56. Vessels entering any port subject to this Act (other than the ports in British Burma) in ballast and not carrying passengers, shall be charged with a port-due not exceeding three-fourths of the port-due with which they would otherwise be chargeable.

Port-due on vessels not discharging or taking in cargo.

57. When any vessel enters any port subject to this Act, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of

of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels:

Provided that no vessel entering any of the ports subject to the Governor of Fort St. George in Council and leaving the same within forty-eight hours without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

58. No port-due shall be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

Port-dues not chargeable on vessels re-entering from stress of weather.

Hospital Port-Dues.

59. The Local Government may, from time to time, by notification in the official Gazette, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there may be a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

Power to impose hospital port-dues.

Such port-dues shall be called Hospital Port-dues.

No order imposing or increasing hospital port-dues shall take effect until the expiration of sixty days from the day on which such order has been published in the official Gazette.

Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official Gazette, exempt such ship or class of ships from any payment under this section. The Local Government may, by like notification, withdraw any such exemption.

60. Such hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Application of hospital port-dues.

Fees

Fees for certain Services.

Fees for pilotage, hauling, re-mooring, &c.

61. Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring, and other services rendered to vessels, at such rates as the Local Government may, from time to time, direct:

Provided that, in the case of fees for pilotage, the previous sanction of the Governor-General in Council has been obtained.

The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by the former part of this section.

CHAPTER VII.

OF HOISTING SIGNALS.

Master to hoist number of vessel.

62. The Master of every inward or outward-bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hugli, or within the limits of any part of a river or channel subject to this Act shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

Penalty for not hoisting signal.

63. Any Master of a vessel arriving as aforesaid, who refuses or neglects to conform to the above rule, shall be liable on conviction, for each instance of such refusal or neglect, to a fine not exceeding one thousand rupees.

Pilot to require Master to hoist signal.

64. Every pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided under section sixty-two.

And if Master refuses to do so, pilot may anchor.

When, on a requisition from the pilot to that effect, the Master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making

making her name known as may be practicable and usual, the pilot in charge of such vessel may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Punishment of pilot disobeying provisions of this chapter.

65. Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to dismissal from his appointment.

CHAPTER VIII.

Of Penalties.

Offences how triable, and penalties how recovered.

66. All offences against this Act shall be triable by a Magistrate. And any Magistrate may, by warrant under his hand, cause the amount of any such penalty imposed upon the owner or Master of any vessel, for any offence committed on board of such vessel, or in the management thereof, or otherwise in relation thereto, whereof such owner or Master is convicted, to be levied by distress and sale of such vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

67. In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of such conviction, in addition to any fine or expenses to which he may be liable.

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

Damages, &c., payable under this Act, how ascertained and recovered.

68. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages, or expenses not exceeding one thousand rupees, the same may be recovered and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

69. Whenever

Costs of distress.

69. Whenever any fine, damages or expenses is or are levied under this Act, by distress and sale, the costs of such distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

70. If any dispute arise concerning the amount leviable by any distress or arrest under this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine such amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable; and payment of such costs, if not paid on demand, shall be enforced in the same manner as any penalty under this Act.

Jurisdiction over offences beyond local limits of jurisdiction.

71. Any person offending against the provisions of this Act, in any port, river or channel subject to this Act, shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such port, river or channel, or adjoining either side of that part of the river or channel in which such offence is committed.

Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits; and in case any such Magistrate exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

72. No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits;

Form of conviction.

and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

If

If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

CHAPTER IX.

MISCELLANEOUS.

73. If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoist, carry, or wear, within the limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17th & 18th of Victoria, chapter 104, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of Her Majesty's Regulations in force for the time being, the Master of such vessel shall, for every such offence, be punished with fine which may extend to fifty rupees. Hoisting unlawful colours in port.

Such fine shall be in addition to any other penalty recoverable under the said Statute or any future Statute to be made in that behalf.

Any officer of Her Majesty's Navy within the limits of such port, or the Conservator of such port, may enter on board any such vessel, and seize and take away any flag, jack, pendant or colour so unlawfully hoisted, carried or worn on board the same.

74. Any Magistrate, upon an application being made to him by the Consul of any Foreign Power to which the Foreign Deserters' Act, 1852, has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter; Foreign deserters.

and

and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month :

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention ;

Provided also that the detention of such deserter shall not be continued beyond twelve weeks.

Application of sections 11 and 22.

75. The provisions contained in sections eleven and twenty-two shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections sixty-six and sixty-eight.

In any of the said ports for the shipment and landing of goods the consent referred to in section twenty-two may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

Disputes concerning amount due under section 15 or section 43.

76. Any dispute arising concerning the amount due under section fifteen or section forty-three shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Amendment of Act XIII of 1867.

77. Act No. XIII of 1867, section one, shall be read as if, for the words "and such port-due", the following words were substituted, namely,—"The port-due leviable under the Indian Ports Act, 1875, in either of the ports of Maulmain and Bassein."

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

(See section 2).

PART I.—BRITISH BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Maulmain ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.
Rangoon ...	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton.	Ditto.
Kyook Phyoo ...	Ditto ...	Not exceeding four annas per ton.	Ditto.
Akyab ...	Ditto ...	Ditto ...	Ditto.
Bassein ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto ...	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.

PART II.—THE LOWER PROVINCES.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Chittagong ...	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days.

THE FIRST SCHEDULE,—*continued.*

(See section 2).

PART II.—THE LOWER PROVINCES,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Port Canning—*continued.*	Tug-steamers and river-steamers belonging to Port Canning.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December in each year.
Calcutta ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Cuttack Ports,—namely, Balasore, Chúráman, Laichhunpur, Chánua, Subarnrekha, Dhámra and Sartha.	Sea-going vessels of three hundred maunds and upwards.	Not exceeding six anna per hundred maunds.	Whenever the vessel enters the port.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rates of port-dues.	Due how often chargeable in respect of same vessel.
Eastern Group—			
1. Ganjam ...	Sea-going vessels of fifteen tons and upwards.	Not exceeding three annas per ton: provided that in the case of vessels employed in the coasting trade, not being steamers, the rates shall be one-half the rates chargeable in respect of other	(*a.*) No coasting steamer having paid port-dues at any port shall be chargeable with port-dues again at the same or at any other port of the same group within thirty days.

THE FIRST SCHEDULE,—*continued.*

(See section 2).

PART III.—THE MADRAS PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Eastern Group—continued. 1. Ganjam—*contd.*		vessels: provided also that any steamer engaged in the coasting trade, when it enters any of the ports of the Eastern and Western Groups, shall pay the highest rate of port-dues leviable at any port of such group and an addition of half of such highest rate.	(*b.*) No coasting vessel other than a coasting steamer shall be chargeable with port-dues at the same port more than once in sixty days. (*c.*) No vessel other than a coasting vessel or a coasting steamer shall be chargeable with port-dues at the same port more than once in ninety days.
2. Gopalpur ...	Sea-going vessels of fifteen tons and upwards.	Ditto ...	
3. Calingapatam ...	Ditto ...	Ditto ...	In the above rules the expression "coasting vessel" means any vessel which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the Continent of India or in the Island of Ceylon.
4. Bimlipatam ...	Ditto ...	Ditto ...	
5. Vizagapatam ...	Ditto ...	Ditto ...	
6. Coconada ... 7. Coringa* ...	Ditto ...	Ditto ...	
8. Masulipatam ...	Ditto ...	Ditto ...	
9. Madras ...	Ditto ...	Ditto ...	
10. Cuddalore ...	Ditto ...	Ditto ...	
11. Porto Novo ...	Ditto ...	Ditto ...	
12. Tranquebar ...	Ditto ...	Ditto ...	
13. Negapatam ... 14. Nagore* ...	Ditto ...	Ditto ...	
15. Tuticorin ...	Ditto ...	Ditto ...	
Western Group— 1. Mangalore ...	Ditto ...	Ditto ...	
2. Cannanore ...	Ditto ...	Ditto ...	
3. Tellicherry ...	Ditto ...	Ditto ...	
4. Calicut ... 5. Beypore* ...	Ditto ...	Ditto ...	
6. Cochin ...	Ditto ...	Ditto ...	

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely)—Coconada and Coringa, Negapatam and Nagore, Calicut and Beypore—shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

THE FIRST SCHEDULE—*continued.*

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Bombay ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding four annas per ton, and not less than two annas per ton for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1873, may direct.	Once in the same month.
	Tug-steamers, Ferry-steamers and River-steamers.	Ditto ..	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Northern Group of Ports—			
1. Gogo ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Bávliári ...	Ditto ...	Ditto ...	Ditto.
3. Khun ...	Ditto ...	Ditto	Ditto.
4. Tankária ...	Ditto ..	Ditto	Ditto.
5. Dehegám ...	Ditto ...	Ditto ...	Ditto.
6. Dehej ...	Ditto ..	Ditto ...	Ditto.
7. Broach ...	Ditto ...	Ditto ...	Ditto.
8. Bhagwá ...	Ditto ...	Ditto ...	Ditto.
9. Surat ..	Ditto ...	Ditto ...	Ditto.
10. Matwád ...	Ditto ..	Ditto ...	Ditto.

THE FIRST SCHEDULE,—*continued.*

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Northern Group of Ports.—continued.			
11. Bulsar ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
12. Umarsári ...	Ditto ...	Ditto ...	Ditto.
13. Kolak ...	Ditto ...	Ditto ...	Ditto.
14. Kálai ...	Ditto ...	Ditto ...	Ditto.
15. Maroli ...	Ditto ...	Ditto ...	Ditto.
16. Umbargám ...	Ditto ...	Ditto ...	Ditto.
17. Gholwad ...	Ditto ...	Ditto ...	Ditto.
18. Dáhánu creek ...	Ditto ...	Ditto ...	Ditto.
19. Tárápur ...	Ditto ...	Ditto ...	Ditto.
20. Alivárá Navápur	Ditto ...	Ditto ...	Ditto.
21. Sátpáti creek ...	Ditto ...	Ditto ...	Ditto.
22. Máhim (Kelva)...	Ditto ...	Ditto ...	Ditto.
23. Kelva ...	Ditto ...	Ditto ...	Ditto.
24. Dántivra ...	Ditto ...	Ditto ...	Ditto.
25. Arnála ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports—			
1. Bandora ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton : provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Veráva ...	Ditto ...	Ditto ...	Ditto.
3. Manori ...	Ditto ...	Ditto ...	Ditto.
4. Utan ...	Ditto ...	Ditto ...	Ditto.
5. Bassein ...	Ditto ...	Ditto ...	Ditto.
6. Bhiwandi ...	Ditto ...	Ditto ...	Ditto.
7. Kallian ...	Ditto ...	Ditto ...	Ditto.
8. Tanna ...	Ditto ...	Ditto ...	Ditto.
9. Trombay ...	Ditto ...	Ditto ...	Ditto.
10. Panwel ...	Ditto ...	Ditto ...	Ditto.
11. Karanja ...	Ditto ...	Ditto ...	Ditto.
12. Rewas ...	Ditto ...	Ditto ...	Ditto.
13. Nagothna ...	Ditto ...	Ditto ...	Ditto.
14. Thal ...	Ditto ...	Ditto ...	Ditto.
15. Alibág ...	Ditto ...	Ditto ...	Ditto.
16. Revdandá ...	Ditto ...	Ditto ...	Ditto.
17. Talkhári ...	Ditto ...	Ditto ...	Ditto.
18. Bánkot ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE,—*continued.*

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY,—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports,—contd.			
19. Kelsi ...	Sea-going vessels of ten tons and upwards (except fishing boats)	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
20. Harnai ...	Ditto ...	Ditto ...	Ditto.
21. Anjanwel ...	Ditto ...	Ditto ...	Ditto.
22. Boryá ...	Ditto ...	Ditto ...	Ditto.
23. Jaygarh ...	Ditto ...	Ditto ...	Ditto.
24. Ratnágiri ...	Ditto ...	Ditto ...	Ditto.
25. Purnagarh ...	Ditto ...	Ditto ...	Ditto.
26. Yeshwantgarh	Ditto ...	Ditto ...	Ditto.
27. Viziádurg ...	Ditto ...	Ditto ...	Ditto.
28. Devgarh ...	Ditto ...	Ditto ...	Ditto.
29. Áchara ...	Ditto ...	Ditto ...	Ditto.
30. Málwan ...	Ditto ...	Ditto ...	Ditto.
31. Nivti ...	Ditto ...	Ditto ...	Ditto.
32. Vengorla ...	Ditto ...	Ditto ...	Ditto.
33. Reri ...	Ditto ...	Ditto ...	Ditto.
34. Tirekhol ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE,—*concluded.*

(See section 2).

PART IV.—THE BOMBAY PRESIDENCY,—*concluded.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports,—concluded.			
35. Karwar including Baitkhol.	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
36. Chendya ...	Ditto ...	Ditto ...	Ditto.
37. Aukola ...	Ditto ...	Ditto ...	Ditto.
38. Gangawli ...	Ditto ...	Ditto ...	Ditto.
39. Tadri ...	Ditto ...	Ditto ...	Ditto.
40. Honáwar ...	Ditto ...	Ditto ...	Ditto.
41. Shiráli ...	Ditto ...	Ditto ...	Ditto.
42. Coomta ...	Ditto ...	Ditto ...	Ditto.
43. Murdheshwar ...	Ditto ...	Ditto ...	Ditto.
44. Bhatkal ...	Ditto ...	Ditto ...	Ditto.
Karáchi ...	Ditto ...	Four annas per ton	Once in three months.
	Tug-steamers and river-steamers.	Ditto ...	Once between the 1st January and the 30th day of June, and once between the 1st July and the 31st December in each year.
Aden ...	Sea-going vessels of ten tons and upwards.	Three annas per ton	Once a month.

THE SECOND SCHEDULE.

(See section 3).

Number and year.	Subject.	Extent of repeal.
Act XIII of 1839 ...	Port duties.	So much as has not been repealed.
Act XXII of 1855 ...	Ports and Port-dues.	Ditto.
Act XIII of 1856 ...	Police in Presidency Towns.	Section 117.
Act XXX of 1857 ...	Port-dues and Fees (Calcutta).	The whole.
Act XXXI of 1857 ...	Port-dues and Fees (Bombay).	Ditto.
Act XXXV of 1857 ...	Port-dues and Fees (Maulmain, Rangoon, &c.)	Ditto.
Act II of 1858 ...	Port-dues and Fees in certain Ports in the Province of Cuttack.	Ditto.
Act VIII of 1858 ...	Port-dues and Fees (Karáchi).	Ditto.
Act XV of 1858 ...	Port-dues and Fees (Port of Aden).	Ditto.
Act XVIII of 1858 ...	Port-dues and Fees (certain Madras Ports).	Ditto.
Act XIX of 1860 ...	Amending Act XXII of 1855.	Ditto.
Act XXV of 1860 ...	Bassein.	Ditto.
Act XIII of 1867 ...	Amending Act XXV of 1860.	In the title, the words *"for the levy of enhanced Port-dues in the Ports of Maulmain and Bassein, and"* The preamble down to and including the words "mentioned; And" Section one down to and including the word "Bassein."
Act VII of 1873 ...	Burma Port-dues.	The whole.
Bengal Act I of 1862 ...	Hoisting Signals.	Ditto.
Bengal Act I of 1863 ...	Port-dues and Fees in the Port of Canning on the River Mutlah.	Ditto.
Bengal Act III of 1865 ...	Fire in Ports.	Sections 3 and 4. Section 8, clauses 1 and 2. Section 10.

THE SECOND SCHEDULE—*concluded.*

(See section 3).

Number and year.	Subject.	Extent of repeal.
Bengal Act IV of 1866 ...	Amending Act XIII of 1856.	Section 103.
Bengal Act III of 1867 ...	Ships in Ports.	Sections 7, 11, 12 and 13.
Bengal Act III of 1872 ...	Amending Bengal Act V of 1870 and Act XXII of 1855.	Section 5.
Madras Act I of 1864 ...	Extension of parts of Act XXII of 1855.	The whole.
Madras Act VII of 1867	Port-dues.	Ditto.
Madras Act VIII of 1867	Madras Police.	Section 80.
Bombay Act IV of 1863	Amending Act XV of 1858 (Port-dues, Aden).	The whole.
Bombay Act XI of 1866	Port-dues.	Ditto.
Bombay Act I of 1873 ...	Bombay Port Trust Act, 1873.	Section 75.

Office Supdt. Govt. Printing,—No. 759 L. D.—22-3-75.—3,700.

ACT No. XIII OF 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th March 1875).

An Act to amend the law relating to Probates and Letters of Administration.

WHEREAS, under the Indian Succession Act, 1865, the effect of an unlimited grant of probate or letters of administration made by any Court in British India is confined to the Province in which such grant is made: And whereas it is expedient to extend over British India the effect of such grants when made by a High Court: And whereas it is also expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration: It is hereby enacted as follows:— Preamble.

Ac

1. To section 3 of the Indian Succession Act, 1865, the following words shall be added (namely):— "and for the purposes of sections 242, 242A, 246A and 277A, shall include the Court of the Recorder of Rangoon." Addition to Act No. X of 1865, section 3.

2. To section 242 of the Indian Succession Act, 1865, the following proviso shall be added (namely):— Addition to Act No. X of 1865, section 242.

"Provided that probates and letters of administration granted by a High Court after the first day of April, 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India." Effect of unlimited probates, &c., granted by High Court.

3. The following section shall be inserted after the said proviso (namely):— Addition to Act No. X of 1865.

"242A. Whenever a grant of probate or letters of administration is made by a High Court with such effect as last aforesaid, the Registrar or such other officer Transmission of certificate by High

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Court granting probate, &c., to other Courts.

officer as the High Court making the grant appoints in this behalf shall send to each of the other High Courts a certificate to the following effect :—

I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of 187 the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;

and such certificate shall be filed by the High Court receiving the same."

Addition after section 246 of Act X of 1865.

4. After section 246 of the Indian Succession Act, 1865, the following section shall be inserted (namely) :—

Additional statements in petition for probate, &c.

"**246A.** Every person applying to a High Court for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other High Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the High Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the High Court to which any application is made under the proviso to section 242 of this Act may, if it think fit, reject the same."

Addition after section 277 of Act X of 1865.

5. After section 277 of the Indian Succession Act, 1865, the following section shall be inserted (namely) :—

Inventory may include property in

"**277A.** In all cases where it is sought to obtain a grant of probate or letters of administration intended to

to have effect throughout the whole of British India, the executor, or the person applying for administration after the first day of April, 1875, to the effects, of any person dying in British India and leaving property in more than one Province shall include in the inventory of the effects of the deceased his moveable or immoveable property situate in each of the Provinces :

any part of British India.

And the value of such property situate in the said Provinces, respectively, shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."

6. After section nineteen of the Court Fees Act, 1870, the following chapter shall be inserted (namely) :—

Addition to Act No. VII of 1870.

"CHAPTER III A.

"PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION.

"**19A**. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a Court-fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted,

Relief where too high a Court-fee has been paid.

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

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the said Authority may—

(*a*) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;

(*b*) substitute another stamp for denoting the Court-fee which should have been paid thereon; and

(*c*) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief where debts due from a deceased person have been paid out of his estate.

"19B. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less Court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

Relief in case of several grants.

"19C. Whenever such a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate;

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall

shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

"19 D. The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a Court-fee was paid on such probate or letters of administration.

Probates declared valid as to trust-property though not covered by Court-fee.

"19 E. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a Court-fee thereon, the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted, may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full Court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper Court-fee, without any deduction of the Court-fee originally paid on such probate or letters:

Provision for case where too low a Court-fee has been paid on probates, &c.

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a Court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention

of

of fraud or to delay the payment of the proper Court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

Administrator to give proper security before letters stamped under section 19 E.

"**19 F.** In case of letters of administration on which too low a Court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the Administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Executors, &c., not paying full Court-fee on probates, &c., within six months after discovery of underpayment.

"**19G.** Where too low a Court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of April, 1875, or after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the Court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper Court-fee.

Sections 19A to 19G applied to certificates under Acts XL of 1858 and XX of 1864.

"**19H.** The provisions of sections 19A to 19G (both inclusive) shall, *mutatis mutandis*, apply to certificates granted under Act No. XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act No. XX of 1864 (*for making better provision for the care of the persons and property of Minors in the Presidency of Bombay*) and to the holders of such certificates."

Office Supdt. Govt. Printing—No 757 L D.—19-5-75.—3,700.

ACT No. XIV of 1875.

Passed by the Governor General of India in Council.

(*Received the assent of the Governor General on the 1st July* 1875).

An Act to amend the law relating to certain Courts and Offices in the Panjáb.

WHEREAS it is expedient to amend the law relating to certain Courts and Offices in the Panjáb; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Panjáb Judicial Administration Act, 1875." Short title.

It extends to all the territories for the time being under the government of the Lieutenant-Governor of the Panjáb; Local extent

And it shall come into force on the passing thereof. Commencement.

2. Section twenty of the Panjáb Courts Act, 1865, is repealed in so far as it relates to the powers of a Deputy Commissioner. Repeal of Act XIX of 1865, s. 20.

3. All or any of the powers conferred by, or conferrible under, the said Act, or by or under any other enactment for the time being in force, The Local Government may confer powers—

(*a*) on a Tahsíldár, or of a Tahsíldár,

(*b*) on a Deputy Commissioner as such or as a principal Civil Court of original jurisdiction, of a Deputy Commissioner.

may be conferred by the Local Government on any person they think fit.

4. Any person invested with powers under section three shall exercise such powers in such District or Districts, or in such portion of a District, as the Local Government may from time to time appoint in this behalf, and in such cases or classes of cases as the Such powers where and in what cases to be exercised.

[*Price one anna and three pies.*]

the Deputy Commissioner of the District may from time to time, subject to any rules prescribed in this behalf by the Local Government, by general or special order direct.

Persons exercising such powers to be deemed to be Tahsíldárs or Deputy Commissioners.

5. Any person exercising any of the said powers shall, for the purposes of the law relating to appeals and for all other purposes connected with the exercise of such powers, be deemed to be a Tahsíldár or Deputy Commissioner, as the case may be.

Office Supdt. Govt. Printing —No. 34 L D.—7-7-75.—3,400.

ACT No. XV of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th July 1875).

An Act to amend the Panjáb Laws Act, 1872.

WHEREAS, in order to provide for the establishment of Rural Police and for the more efficient administration of law in the Panjáb, it is expedient to amend the Panjáb Laws Act, 1872; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Panjáb Laws Amendment Act, 1875:" Short title.

It extends to the territories for the time being under the government of the Lieutenant-Governor of the Panjáb; Local extent.

And it shall come into force at once. Commencement.

2. The said Panjáb Laws Act, 1872, shall be read as if the following sections were inserted next after section thirty-nine thereof:— Addition to Act IV of 1872.

"39 A. The Local Government may establish a system of village-watchmen in any part of the territories under its administration and not comprised within the limits of a municipality, and in furtherance of this object may from time to time make rules to provide for the following matters:— Power to establish village-watchman system and to make rules.

(*a*) the definition of the limits of watchmen's beats;

(*b*) the determination of the several grades of watchmen, and the number of each grade to be appointed to each beat;

(*c*) the appointment, suspension, dismissal and resignation of watchmen of each grade;

(*d*) the

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(*d*) the equipment and discipline of, and the control and supervision over, such watchmen;

(*e*) the conferring upon them, and the exercise by them, of any powers, and the enjoyment by them of any protection or privilege, which may be exercised and enjoyed by a police-officer under any Act for the time being in force;

(*f*) the performance by them of such duties relating to police, sanitation or statistics, or for the benefit of the village-communities within their beat, as the Local Government thinks fit;

(*g*) the exercise of authority over, and the rendering of aid to, such watchmen, by the headmen of the villages comprised in their respective beats;

(*h*) the performance, by the headmen of the villages comprised in the beat, of any of the duties of a village-watchman in aid of, or substitution for, such watchman;

(*i*) the exercise, by such village-headmen, of any of the powers, and the enjoyment by them of any privilege or protection, of a village-watchman for the purposes referred to in clauses (*g*) and (*h*) of this section;

(*j*) the determination of the rate at which, and the mode in which, watchmen shall be paid, and of the mode in which their pay, the expenses of their equipment, and other charges connected with the village-watchman system, shall be provided for, whether out of cesses or funds already leviable or available in the villages comprised in the beat, or by a special tax in money or kind to be imposed on any class of persons residing or owning property in or resorting to such villages, or partly in one of these ways and partly in the other;

(*k*) the collection with or without the aid of the village-headmen, and by any process available

able for the realization of the land-revenue, of any tax imposed under clause (*j*) of this section, and the application of, and the mode of accounting for, the same;

(*l*) the efficient working of the village-watchman system generally.

"Provided—

1*st*, that the rules to be made regarding the appointment of village-watchmen shall allow to the headmen of the villages comprised in the beat to which such a watchman is to be appointed a power of nomination to be exercised in such manner, and subject to such reasonable conditions, as may be prescribed by such rules;

2*ndly*, that the rules to be made under clause (*j*) of this section shall include provisions for recording and securing due consideration of the views and opinions of the headmen of such beat on the matters therein referred to.

Obligation to assist watchmen and headmen.

"39 B. Every person is bound to render to a village-watchman or village-headman discharging the duties of a police-officer under the rules made hereunder, all the assistance which he is bound to render to a police-officer.

Person obstructing watchman or headman may be arrested without warrant.

"Any person who obstructs such watchman or headman in the discharge of such duties may be arrested without warrant by a police-officer or by any village-headman or watchman empowered in this behalf by the Local Government.

Power to direct local taxation for payment of police enrolled under Act V of 1861.

"39 C. Whenever it seems to the Local Government expedient that the duties of watch and ward and other internal police-service of any town or village not comprised within the limits of a municipality or within the limits of a village-watchman's beat as defined under the power conferred by section thirty-nine A, should be performed by police-officers enrolled under Act V of 1861, the Local Government may direct that the said service shall be so performed, and may also, with the previous sanction of the Gov-

ernor

ernor General in Council, direct that the charges for the time being fixed by such Government on account of such service shall be defrayed by taxes to be levied in such town or village.

Issue of notice of taxes proposed to be levied.

"39 D. When the Local Government has, under section thirty-nine C, directed that taxes shall be levied in any town or village, the Deputy Commissioner may from time to time issue a public notice in such town or village, explaining the nature of the taxes he proposes to levy.

Objections to taxation.

"Any inhabitant of such town or village objecting to the taxation thus proposed may, within fifteen days from the publication of such notice, send his objection in writing to the Deputy Commissioner.

Procedure thereon.

"After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit for the information of the Local Government a report of the proposal made by him. Such report shall contain specific mention of the objections (if any) urged to his proposal, and his opinion on such objections.

"No such tax shall be levied until it has, upon such report, been approved by the Local Government.

Power to fix rates of tax.

"39 E. When any such tax has been so approved by the Local Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the Local Government may from time to time prescribe, determine the rates at which it is to be levied.

Power to make rules for collection of taxes.

"39 F. The Local Government may from time to time make rules to provide for the collection of such taxes by any process available for the realization of the land-revenue, and to regulate the application and mode of accounting for the same.

Indemnity-clause.

"39 G. All taxes and collections which have been hitherto levied for the purposes of village and town-police, or for the maintenance of village-watchmen shall be deemed to have been levied in accordance with law."

3. Section

3. Section fifty of the said Panjáb Laws Act is repealed, and in lieu thereof there shall be read the following :— Substitution of new section for section 50.

"50. The Local Government may from time to time make rules as to the matters mentioned in sections forty-three to forty-nine inclusive. Power to make rules as to matters mentioned in sections 43 to 49.

"All existing rules upon such matters, which might have been made under this section had it been in force, shall be deemed to have been made hereunder. Existing rules.

"50A. No rules hereafter made by the Local Government under any power conferred by this Act shall be valid unless— Conditions of validity of rules hereafter made under this Act.

(*a*) they are consistent with the laws for the time being in force in the Panjáb;

(*b*) they are published in the official Gazette;

(*c*) previous to such publication they are sanctioned by the Governor General in Council.

"50 B. The Local Government may, in making any rule under any of the powers conferred by this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment on conviction before a Magistrate not exceeding six months' imprisonment, or three hundred rupees fine, or both." Penalties for breach of such rules.

O. S. G. P.—No. 38, L. D.—24-7-75.—3.500.

THE INDIAN TARIFF ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
2. Repeal of Acts and notifications.
3. Saving clause.
4. Duties specified in schedules to be levied.
5. Goods partially composed of dutiable articles.
6. Power to fix value of dutiable goods and to exempt from customs-duties.
7. Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption.
8. Export of pepper from Cochin.
9. Export of opium.
10. Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.
11. Excise-duty on spirit distilled in British India.
12. Amendment of Consolidated Customs Act, sections 27, 57, 66 and 180.

SCHEDULE A.—IMPORT TARIFF.

SCHEDULE B.—EXPORT TARIFF.

[*Price six annas and three pies.*]

ACT No. XVI of 1875.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 5th August 1875).

An Act to amend the law relating to Customs Duties, and for other purposes.

WHEREAS it is expedient to amend the law relating to the duties of customs on goods imported and exported by sea, and to restrict the export of opium, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and for fixing a maximum duty of excise on spirit manufactured in British India, and to amend the Consolidated Customs Act; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Indian Tariff Act, 1875:" Short title.

And it shall come into force on the passing thereof. Commencement.

This section and section twelve, clause three, apply to the whole of British India. Local extent.

The rest of this Act extends to the whole of British India except Aden.

2. Act No. XVIII of 1870 (*to enable the Government of India to exempt goods from Customs-duties*), Act No. XIII of 1871 (*to consolidate and amend the law relating to Customs-duties*), and all notifications under either of the said Acts are hereby repealed. Repeal of Acts and notifications.

3. Nothing herein contained affects Act No. VI of 1873 (*to amend the law relating to the Transhipment of Goods imported by Steamer, and for other purposes*), or authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, salted fish, opium and spirit. Saving clause.

4. There

Duties specified in schedules to be levied.

4. There shall be levied and collected, in every port to which this Act applies, the duties specified in schedules A and B hereto annexed.

Goods partially composed of dutiable articles.

5. Goods not prohibited to be imported into or used in British India, whereof any article liable to duty under this Act forms a part or ingredient, shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article, or, if composed of more than one article liable to duty, then with the full duty which would be payable on such goods if they were entirely composed of the article charged with the highest rate of duty.

Power to fix value of dutiable goods and to exempt from customs-duties.

6. The Governor General in Council may from time to time, by notification in the *Gazette of India*,

(*a*) fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed;

(*b*) exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under this Act or any other law for the time being in force; and

(*c*) cancel any such exemption.

Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption.

7. The Local Government may from time to time prescribe rules for ascertaining and determining what spirit imported into British India shall be deemed to have been effectually and permanently rendered unfit for human consumption, so as to be subject only to an *ad valorem* duty of ten per cent. under schedule A hereto annexed, and for causing such spirit to be so rendered, if necessary, by their own officers, before the duty of customs leviable thereon is levied, and at the expense of the person importing it.

Such rules, on being published in the official Gazette, shall have the force of law; and whoever wilfully contravenes any such rule shall be liable to fine not exceeding five hundred rupees.

In the absence of any such rules, or if any dispute arises as to their applicability, the executive officer of highest

highest rank in the department of customs in the port shall decide what spirit is subject only to the said *ad valorem* duty, and such decision shall be final.

8. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandí as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Collector of Customs at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs. Export of pepper from Cochin.

9. No opium shall be exported from any part of British India, unless— Export of opium.

(*a*) it is covered by a pass granted by an officer appointed in this behalf by the Governor General in Council or the Local Government; or

(*b*) it is exported under the said Act No. VI of 1873, section seven; or

(*c*) such export is permitted under the power next hereinafter conferred:

The Governor General in Council may from time to time, by notification in the *Gazette of India*,

(*d*) permit the export of opium from any part of British India on payment of such duty, or on such other terms, as the Governor General in Council thinks fit; and

(*e*) cancel such permission.

10. Duties of customs shall be levied on goods passing by land into or out of Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George or the Presidency of Bombay at the rates prescribed in the schedules A and B hereto annexed. Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.

11. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear Excise-duty on spirit distilled in British India.

a due proportion to the customs-duty on spirit imported into British India, it is hereby further enacted as follows:—

Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the official Gazette, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by schedule A hereto annexed;

and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

Amendment of Consolidated Customs Act, sections 27, 57, 66 and 180.

12. And whereas it is expedient to amend the Consolidated Customs Act in manner hereinafter appearing; it is hereby further enacted as follows:—

Section twenty-seven of the Consolidated Customs Act shall be construed as if, for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words and figures were substituted (namely), "for which a specific value is not fixed by or under the Indian Tariff Act, 1875;"

And the following proviso shall be added to section fifty-seven of the same Act (namely), "Provided also that where such goods are arms, ammunition, or military stores, they may be sold or otherwise disposed of at such place (whether within or without British India) and in such manner as the Local Government may from time to time direct;"

And section sixty-six of the same Act shall be construed as if, for the words and figures "the value of which shall have been fixed under the provisions of section CLXXIX of this Act," the following words and figures were substituted (namely), "for which a specific value has been fixed by or under the Indian Tariff Act, 1875;"

And

And section one hundred and eighty of the same Act shall be construed as if, for the words "last preceding section", the following words and figures were substituted (namely) "Indian Tariff Act, 1875."

SCHEDULE A.

SCHEDULE A.

IMPORT TARIFF.

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
1	APPAREL, INCLUDING HABERDASHERY AND MILLINERY, BUT EXCLUDING BOOTS, SHOES AND HOSIERY	...	*Ad valorem*	5 per cent.
2	ARMS, AMMUNITION AND MILITARY STORES—			
	Fire-arms and parts thereof	...	*Ad valorem*	10 per cent.
	Gunpowder, common ...	lb.	0 5	
	" sporting ...	"	1 0	
	All other sorts	...	*Ad valorem*	
3	BRUSHES, ALL SORTS ...	...	*Ad valorem*	5 per cent.
4	BUILDING AND ENGINEERING MATERIALS—			
	Asphalt	...	*Ad valorem*	
	Cements, all sorts ...	...	"	
	Earthen-ware piping ...	...	"	
5	CABINET-WARE AND FURNITURE	...	*Ad valorem*	
6	CANDLES—			
	Paraffine	lb.	0 5	
	Spermaceti	"	0 8	
	Wax	"	1 0	
	All other sorts, including composition	"	0 5	
7	CANES, RATANS, ARTICLES MADE OF CANE OR RATAN, AND BASKET-WORK—			
	Canes, Malacca ...	Doz.	1 0	
	Ratans	Cwt.	7 0	
	All other sorts, except common bamboos, which are free	...	*Ad valorem*	
8	CARRIAGES AND COMPONENT PARTS THEREOF, EXCEPT RAILWAY-CARRIAGES AND TRUCKS	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
9	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric ...	lb.	0 2	
	Alkali, country (sajji khár)	Cwt.	2 0	
	Alum	"	4 0	
	Arsenic	"	25 0	
	" China mansíl ...	"	16 0	
	Brimstone, flour ...	"	7 0	
	" roll ...	"	6 0	
	" rough ...	"	4 8	
	Copperas, green ...	"	3 0	
	Sal ammoniac ...	"	25 0	
	All other sorts ...	...	*Ad valorem*	
10	CHINESE AND JAPANESE-WARE, INCLUDING LACQUERED-WARE, BUT EXCLUDING EARTHEN-WARE, CHINA AND PORCELAIN	...	*Ad valorem*	
11	CLOCKS, WATCHES AND OTHER TIME-KEEPERS	...	*Ad valorem*	
12	COIR AND ARTICLES MADE OF COIR—			
	Matting	...	*Ad valorem*	
	Yarn of all kinds ...	Cwt.	9 0	
	Other articles made of coir, except cables and rope ...	...	*Ad valorem*	5 per cent.
13	CORAL, REAL	...	*Ad valorem*	
14	CORDAGE AND ROPE, MADE OF ANY VEGETABLE-FIBRE, EXCEPT COTTON AND JUTE—			
	Coir-cables, tarred ...	Cwt.	10 0	
	Coir-rope	"	10 0	
	Cordage, hemp, European ...	"	20 0	
	" Manilla ...	"	25 0	
	Twine, European, Sail ...	lb.	0 8	
	All other sorts	...	*Ad valorem*	
15	CORK AND ARTICLES MADE OF CORK—			
	Bottle-corks	Gross	1 8	
	Vial-corks	"	0 8	
	All other sorts	...	*Ad valorem*	
16	COTTON AND ARTICLES MADE OF COTTON—			
	Cotton-hosiery	...	*Ad valorem*	
	Cotton, Raw, not the produce of Continental Asia or Ceylon	...	"	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
	COTTON AND ARTICLES MADE OF COTTON—*contd.*			
	Cotton-rope	Cwt.	25 0	5 per cent.
	Country-canvas ...	"	50 0	
	Piece Goods—			
	Grey—			
	Jaconets, exceeding 10 × 10 to the quarter-inch	lb.	0 12	
	Jaconets, other sorts ...	"	0 10½	
	Mulls	"	1 1	
	Printers	"	0 10½	
	Shirtings and Longcloths	"	0 9	
	T cloths 18 reed and upwards and Madapollams	"	0 9½	
	T cloths under 18 reed, jeans, domestics, sheetings and drills ...	"	0 8	
	Other sorts ...	...	*Ad valorem*	
	Sewing thread—			
	Goa and country ...	Cwt.	30 0	
	On reels or cards containing 100 yards each, and *pro rata* above and below*	Gross	3 0	
	White and coloured ...	lb.	1 0	
	Twist—			
	Mule—No. 15 and lower Nos.	lb.	0 5	3½ per cent.
	Nos. 16 to 24 ...	"	0 7	
	" 25 to 32 ...	"	0 8	
	" 33 to 42 ...	"	0 9½	
	" 43 to 52 ...	"	0 11	
	" 53 to 60 ...	"	0 12½	
	" 61 to 70 ...	"	0 14	
	" 71 to 80 ...	"	0 15	
	And so on, one anna to be added to the valuation per lb. for every count of ten, or part of a count of ten, above 80.			
	Water—No. 20 and lower Nos. ...	"	0 8	
	Nos. 21 to 30 ...	"	0 9½	
	" 31 to 40 ..	"	0 11½	
	" 41 to 50 ...	"	0 13	
	Above 50 ...	"	1 0	

* Duty to be charged either on the mark or on the actual length.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
	COTTON AND ARTICLES MADE OF COTTON—*contd.*		Rs. A.	
	Twist, Orange, Red, and other colours except Turkey Red*	lb.	0 13	3½ per cent.
	Twist, Turkey Red, all kinds*	"	1 6	
	Cotton goods, all other sorts	...	*Ad valorem*	
17	DRUGS AND MEDICINES, EXCEPT OPIUM—			
	Aloes, black	Cwt.	11 0	
	" Socotra ...	"	25 0	
	Assafœtida (hing) ..	"	55 0	
	" coarse (hingrá)	"	10 0	
	Camphor, Bhemsaini (baras)	lb.	80 0	
	" refined, cake ...	Cwt.	65 0	
	" crude, in powder	"	40 0	
	Cassia lignea... ...	"	38 0	
	Salep	"	80 0	
	Senna leaves	"	5 0	
	All other sorts, except quinine which is free ...	...	*Ad valorem*	
18	DYEING AND COLOURING MATERIALS—			
	Aniline dyes—Magenta and Roseine	oz.	0 4	
	Cochineal	lb.	1 4	5 per cent.
	Gallnuts, country, Myrabolam	Cwt.	4 0	
	" Persian ...	"	25 0	
	Madder or manjith ...	"	12 0	
	Orchilla weed	"	5 0	
	Sapan wood and root ...	"	5 0	
	All other sorts	...	*Ad valorem*	
19	EARTHEN-WARE (EXCEPT EARTHEN-WARE PIPING), CHINA, CHINA CLAY AND PORCELAIN..	...	*Ad valorem*	
20	FIREWORKS—			
	China	Box of 133⅓ lbs.	30 0	
	All other sorts	...	*Ad valorem*	
21	FLAX AND ARTICLES MADE OF FLAX—			
	Canvas, European sail, not exceeding 10 yards ...	Bolt	15 0	
	Piece-goods .. .	...	*Ad valorem*	
	All other sorts, including linen-thread	...	"	

* Duty to be charged on the grey weight of the coloured yarn: when this is not ascertainable, the actual wharf-weight, or invoice-weight, to be taken.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
22	FRUITS AND VEGETABLES—			
	Almonds without shell ..	Cwt.	30 0	
	„ in the shell	„	11 0	
	Cajoo-kernels	„	10 0	
	Cocoanuts	Thousand	30 0	
	„ kernel-(khopra) ...	Cwt.	8 8	
	Currants, European ...	„	35 0	
	„ Persian .	„	12 0	
	Dates, dry, in bags .	„	4 8	
	„ wet, in bags ...	„	3 8	
	„ „ in pots ..	„	7 0	
	Figs, European ...	„	42 0	
	„ Persian, dried ...	„	6 8	
	Garlic	„	5 0	
	Pistachio-nuts	„	20 0	
	Prunes, Bussorah ...	„	16 0	
	Raisins, black, Persian Gulf, Red Sea, and Kishmish ...	„	16 0	
	„ Munakka, Persian Gulf, and Red Sea.	„	7 0	
	„ Malaga and bloom...	lb	0 10	
	„ other sorts ...	... ...	*Ad valorem*	
	Walnuts	Cwt.	5 8	
	All other sorts, except Bedmushk, Bajarbattu-nuts, and fresh fruits and vegetables not separately enumerated, which are free ...	.....	*Ad valorem*	5 per cent.
23	GLASS, GLASS-WARE, BEADS, FALSE PEARLS AND FALSE CORALS—			
	Bangles, Glass, China, gilt ...	100 pairs	6 0	
	„ „ „ not gilt	„	3 0	
	Beads, China	Cwt.	30 0	
	Coral, false	.. ...	*Ad valorem*	
	Glass, China, of all colours...	133⅓ lbs.	32 0	
	„ Crown, coloured ...	100 supl. feet	25 0	
	„ „ of sizes ...	„	7 0	
	Pearls, false—			
	Bájria	Lákh	5 0	
	Boria	Thousand	1 4	
	Jouria	Lákh	8 0	
	Nathia	Thousand	0 6	
	Tachea	„	1 0	
	Wattanah	Lákh	10 0	
	All other sorts of beads, false pearls and glass, except bottles used to bottle beer, wine, spirit, or aerated waters, which are free ...	.....	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
24	GUMS, GUM RESINS, AND ARTICLES MADE OF GUM OR GUM RESIN—			5 per cent.
	Copal	Cwt.	65 0	
	Cutch and Gambier ...	"	10 0	
	Gum Ammoniac ...	"	12 0	
	" Arabic	"	15 0	
	" Bdellium (common gum)	"	5 0	
	" Benjamin ...	"	40 0	
	" Bysabol (coarse myrrh) ...	"	12 0	
	" Olibanum or frankincense	"	12 0	
	Kino	"	10 0	
	Myrrh	"	30 0	
	" Persian (false) ...	"	3 0	
	Rosin	"	5 0	
	All other sorts ...	... ...	*Ad valorem*	
25	HARDWARE AND CUTLERY, INCLUDING IRONMONGERY AND PLATED-WARE, BUT EXCLUDING MACHINERY AND THE COMPONENT PARTS THEREOF, WHICH ARE FREE, AND AGRICULTURAL IMPLEMENTS, WHICH ALSO ARE FREE	...	*Ad valorem*	
26	HEMP AND ARTICLES MADE OF HEMP—			
	Piece-goods	...	*Ad valorem*	
	All other sorts, except rope	...	"	
27	HIDES AND SKINS, EXCEPT RAW OR SALTED HIDES OR SKINS, WHICH ARE FREE—			
	Hides—			
	Border	Each	30 0	
	Buffalo	Score	80 0	
	Cow	"	60 0	
	Skins—			
	Calf	Doz.	45 0	
	Chamois	"	6 0	
	Goat	Score	16 0	
	Lamb	"	6 0	
	Roan	Doz.	30 0	
	Sheep	Score	11 0	
	All other sorts	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A	
28	INSTRUMENTS AND APPARATUS—			
	Musical ...	...	*Ad valorem*	
	Drawing, Measuring, Optical, Photographic (including materials for Photography), Surveying, and Surgical (including surgical appliances) ...	...	"	
29	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders ...	Cwt.	125 0	
	Elephants' tusks, each exceeding 20 lbs. in weight	"	450 0	
	Elephants' tusks not less than 10 lbs. and not exceeding 20 lbs each ...	"	325 0	
	Elephants' tusks each less than 10 lbs. ...	"	175 0	5 per cent.
	Sea-cow or moye teeth, each not less than 3 lbs. ...	"	175 0	
	Sea-cow or moye teeth, each less than 3 lbs ...	"	60 0	
	Articles made of ivory ...	...	*Ad valorem*	
30	JEWELLERY, INCLUDING PLATE—			
	Silver-ware, plain } Other than European	Tolah	1 2	
	" embossed or chased } Other than European	"	1 8	
	All other sorts, except precious stones and pearls, which are free ..	...	*Ad valorem*	
31	LEATHER AND ARTICLES MADE OF LEATHER, INCLUDING BOOTS, SHOES, HARNESS AND SADDLERY, BUT EXCLUDING BELTING FOR DRIVING MACHINERY, WHICH IS FREE .	...	*Ad valorem*	
32	LIQUORS—			
	Ale, beer and porter ...	Impl Gallon or six quart bottles	..	One anna.
	Cider, and other fermented liquors	Impl Gallon or six quart bottles	..	One anna.
	Liqueurs	"	...	Rs. 4.
	Spirit, for use exclusively in arts or manufactures or in chemistry, which has been rendered effectually and permanently unfit for human consumption .	..	*Ad valorem*	10 per cent.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
	LIQUORS—*contd.*		Rs. A.	
	Spirit, other sorts	Impl. Gallon or six quart bottles of the strength of London proof	...	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Wines—			
	Champagne and all other sparkling wines ...	Impl. Gallon or six quart bottles ...	...	Rs. 2-8.
	Claret, and still Burgundy	"	...	Re. 1.
	All other sorts of still wines	"	...	Re. 1-8.
33	MATCHES, LUCIFER, AND ALL OTHER SORTS	...	*Ad valorem*	5 per cent.
34	MATS—			
	Floor-matting, China and Singapore, of all sorts .	Hundred	70 0	
	All other sorts except coir-matting	...	*Ad valorem*	
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS—			
	Brass—			
	Beads, Ghúngrí, China ...	Thousand	0 14	
	Old	Cwt.	35 0	
	Sheets, rolls, very thin ...	"	90 0	
	Wire	lb.	0 8	
	All other sorts ...	...	*Ad valorem*	
	Copper—			
	Australian cake ...	Cwt.	50 0	
	Bolt	"	50 0	
	Brazier's	"	52 0	
	China cash	"	30 0	
	Japan	"	48 0	
	Nails and composition-nails	"	48 0	
	Old	"	48 0	
	Pigs and slabs, foreign ...	"	46 0	
	Sheet, sheathing, and plate	"	52 0	
	Tiles, ingots, cakes, and bricks	"	48 0	
	Other sorts, unmanufactured	...	*Ad valorem*	
	China, white copper-ware...	lb.	1 2	
	Foil or dakpana ...	100 leaves	3 0	
	Wire	lb.	0 10	
	All other sorts ...	...	*Ad valorem*	
	Gold Leaf, European ...	100 leaves	3 0	
	" Mock ...	20 books	5 0	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
	METALS, &c.,—*contd.*			
	Iron—			
	Anchors and cables ...	...	*Ad valorem*	1 per cent.
	Angle and T iron ...	...	"	
	Beams, pillars, girders, bridge-work, and other descriptions of iron, imported exclusively for building purposes ...	...	"	
	Flat, square and bolt, including Scotch ...	Ton	100 0	
	Galvanised	Cwt.	11 0	
	" Sheets and ridging	"	11 0	
	Hoop, plate and sheet .	Ton	135 0	
	Nails, rose, clasp, and flat-headed, rivets and washers	Cwt.	12 8	
	Nails, other sorts, including galvanised... ...	...	*Ad valorem*	
	Nail-rod	Ton	120 0	
	Old	Cwt.	2 0	
	Pig	Ton	55 0	
	Pipes and tubes ..	...	*Ad valorem*	
	Rice bowls	Set of ten	4 0	
	"	" six	2 0	
	Rod, round, British, not exceeding half-inch diameter . .	Ton	130 0	
	" exceeding half-inch diameter ...	"	100 0	
	Swedish, flat and square ...	"	160 0	
	Tinned plates ...	Cwt.	15 0	
	All other sorts, including wire, but excluding railway-materials, and kentledge, which last-named article is free ...	...	*Ad valorem*	5 per cent.
	Lametta, double reels ...	Score	4 8	
	" single " ...	"	2 4	
	Lead—			
	Ore, Galena	Cwt.	13 0	
	Pig	"	11 0	
	Pipes	...	*Ad valorem*	
	Sheets, tea	Cwt.	20 0	
	" other sorts ...	"	12 0	
	Orsidue and brass-leaves, foreign, European ...	lb.	1 2	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			RS. A.	
	METALS, &c.,—*contd.*			
	Orsidue and brass-leaves, China	lb.	0 14	
	Patent or Yellow Metals, sheathing, sheets, and bolts	Cwt.	42 0	
	Ditto ditto old ...	"	37 0	
	Quicksilver	lb.	2 8	
	Shot, bird	Cwt.	16 0	
	Steel, excluding railway-materials—			
	Blistered	"	9 0	
	British and foreign other than Swedish ...	"	9 0	
	Cast	"	25 0	
	Spring	"	10 0	
	Swedish	"	10 0	
	Tin, Block	"	50 0	
	" other sorts ...	...	*Ad valorem*	
	Zinc or Spelter—			
	Nails	Cwt.	14 0	
	Plate and other shapes, soft	"	15 0	
	" " " " hard	"	11 0	
	Sheet or zinc sheathing ...	"	17 0	
	All other sorts	...	*Ad valorem*	
36	MILITARY AND OTHER UNIFORMS AND ACCOUTREMENTS, &c., EXCEPT UNIFORMS AND ACCOUTREMENTS IMPORTED BY A PUBLIC SERVANT FOR HIS PERSONAL USE, WHICH ARE FREE ...	...	*Ad valorem*	5 per cent.
37	NAVAL STORES NOT OTHERWISE DESCRIBED, EXCEPT OAKUM, WHICH IS FREE	...	*Ad valorem*	
38	OILS—			
	Cassia	lb.	3 0	
	Cocoanut	Cwt.	15 0	
	Grass	lb.	1 12	
	Jinjilí or til	Cwt.	15 0	
	Kerosine, paraffine, petroleum, rock and shale oils of all descriptions	Impl. Gallon	0 12	
	Linseed, European ...	"	2 0	
	Naphtha	Cwt.	30 0	
	Otto of sorts	oz.	10 0	
	Sandalwood	lb.	8 0	
	Turpentine	Impl. Gallon	1 10	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
	OILS—*continued.*			
	Whale (except spermaceti) and fish	Cwt.	15 0	
	Wood	"	15 0	
	All other sorts, except cocum and slush fat, which are free	...	*Ad valorem*	5 per cent.
39	OIL AND FLOOR CLOTH ...	...	*Ad valorem*	
40	OPIUM NOT COVERED BY A GOVERNMENT PASS	Seer of 80 tolahs	...	Rs. 24.
41	PAINTS, COLOURS, PAINTERS' MATERIALS, AND COMPOSITIONS FOR APPLICATION TO LEATHER AND METALS—			
	Ochre other than European, all colours	Cwt.	1 8	
	Paints of sorts	"	12 0	
	" Composition ...	"	25 0	
	" Patent driers ...	"	14 0	
	Prussian blue, China ...	lb.	0 8	
	" " European ...	"	1 8	
	Red lead	Cwt	14 0	
	Turpentine	Impl. Gallon	1 10	
	Verdigris	Cwt.	75 0	
	Vermilion, Canton ...	Box of 90 bundles.	150 0	5 per cent.
	White lead	Cwt.	12 0	
	All other sorts	...	*Ad valorem*	
42	PAPER—			
	Wall-paper	...	*Ad valorem*	
43	PERFUMERY—			
	Atary, Persian	Cwt.	15 0	
	Perfumed spirit in wood, or in bottles containing more than half a pint ...	Impl. Gallon	...	Rs. 4.
	Rose-flowers, dried ...	Cwt.	13 0	
	Rose-water	Impl. Gallon	1 12	
	All other sorts, including perfumed spirit in bottles containing not more than half a pint	...	*Ad valorem*	5 per cent.
44	PIECE GOODS, NOT OTHERWISE DESCRIBED	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A	
45	PIPES AND OTHER IMPLEMENTS USED IN THE CONSUMPTION OF TOBACCO	...	*Ad valorem*	
	PITCH, TAR AND DAMMER—			
46	Bitumen	...	*Ad valorem*	
	Dammer	Cwt.	5 0	
	Pitch, American and European	"	6 0	
	" Coal	"	2 8	
	Tar, American and European	"	6 0	
	" Coal	"	2 8	
	" Mineral	...	*Ad valorem*	
	PROVISIONS AND OILMAN'S STORES—			
47	Bacon in canisters, jowls and cheeks	lb.	0 9	5 per cent.
	Beef and pork	Tierce of three cwt.	60 0	
		Barrel of two cwt.	40 0	
	Cheese	lb.	0 10	
	China preserves ...	Box of six jars	8 0	
	Flour	Barrel or sack of 200lbs.	15 0	
	Ghee	Cwt.	36 0	
	Groceries not otherwise described	...	*Ad valorem*	
	Pork-hams	lb.	0 10	
	Salted fish*	Cwt.	...	12 annas.*
	Tongues, salted	Keg of six	10 0	5 per cent.
	Vinegar, European, in wood	Impl. Gallon	1 8	
	" Persian ...	"	0 12	
	" Country ...	"	0 6	
	All other sorts, except bêche-de-mer, fish-maws, shark-fins, singally and sozille, which are free ...	...	*Ad valorem*	
48	RAILWAY MATERIALS—			
	Of iron	...	*Ad valorem*	1 per cent.
	Steel rails and other articles made of steel intended for the permanent-way of railways	...	"	

* Duty to be levied only on salted fish imported into the Bombay Presidency except Sindh, and into such other parts of British India as the Governor General in Council may, by notification in the *Gazette of India*, from time to time direct.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
	RAILWAY MATERIALS—*contd.*			
	All other sorts, including carriages and trucks ...	...	*Ad valorem*	5 per cent.
49	SALT—			
	Imported into British Burma	Indian maund of 3,200 tolahs.	...	3 annas.
	" into Bengal ...	"	...	Rs. 3-4.
	" into any other part of British India	"	...	" 1-13.
50	SEEDS—			
	Castor	Cwt.	4 8	
	Cummin	"	13 0	
	" black	"	4 8	
	Linseed	"	5 8	
	Methi	"	4 0	
	Mustard, rape, or sarson ...	"	4 8	
	Quince seed or bihi-dana ...	"	30 0	
	Sozírá	"	20 0	
	All other sorts, except seeds imported by any Public Society for gratuitous distribution, which are free ...	...	*Ad valorem*	
51	SHELLS AND COWRIES—			
	Chanks—			
	Large shells, for cameos ...	Hundred	10 0	
	White, live	"	6 0	5 per cent.
	" dead	"	3 0	
	Cowras—			
	From Mozambique and Zanzibar	"	3 0	
	From other places ...	"	0 8	
	Cowries—			
	Bázár, common ...	Cwt.	2 8	
	Maldive	"	10 0	
	Sankhli	"	50 0	
	Yellow, superior quality ...	"	5 0	
	Mother-of-pearl	"	30 0	
	Tortoise-shell	lb.	6 0	
	" nakh	"	1 0	
	All other sorts, including nakhla	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
52	SILK, AND ARTICLES MADE OF SILK—			
	Floss	lb.	8 0	
	Piece goods	...	*Ad valorem*	
	Raw Silk—			
	Chaháram and Cochin China	lb.	4 0	
	Mathow	"	1 12	
	Other kinds of China ...	"	7 0	
	Panjam and Kachra ...	"	1 4	
	Persian	"	5 0	
	Siam	"	2 8	
	Sewing thread, China ..	"	8 0	
	All other sorts	...	*Ad valorem*	
53	SOAP	...	*Ad valorem*	
54	SPICES—			
	Aniseed star	Cwt.	35 0	
	Betelnuts—			
	Goa	"	12 0	
	In the husk	Thousand	2 0	
	White, Srivarddhan ...	Cwt.	18 0	
	All other sorts .	"	5 0	
	Chillies, dried	"	8 0	
	Cloves	"	40 0	
	" in seeds, Narlavang ...	"	16 0	5 per cent.
	Mace	lb.	1 2	
	Nutmegs	"	1 0	
	" in shell ...	"	0 8	
	Pepper, black and long ...	Cwt.	25 0	
	" white	"	32 0	
	All other sorts	...	*Ad valorem*	
55	STATIONERY (EXCEPT PAPER, WHICH IS FREE) ...	...	*Ad valorem*	
56	SUGAR—			
	China, candy	Cwt.	20 0	
	Loaf	"	23 0	
	Soft	"	13 8	
	All other sorts of saccharine produce	...	*Ad valorem*	
57	TEA—			
	Black	lb.	0 12	
	Green	"	1 4	
58	TOBACCO—			
	Manufactured	...	*Ad valorem*	
	Unmanufactured ...	...	"	

IMPORT TARIFF—*concluded.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
59	TOILET REQUISITES, NOT OTHERWISE DESCRIBED ...	...	*Ad valorem*	5 per cent.
60	TOYS AND REQUISITES FOR ALL GAMES ...		*Ad valorem*	
61	UMBRELLAS—			
	China paper kettisals ..	Box of 110	30 0	
	Cotton, steel-ribbed .	Each	0 13	
	" cane-ribbed ...	"	0 12	
	" oiled, other than European	"	0 10	
	All other sorts ...	...	*Ad valorem*	
62	WOOLLEN GOODS—			
	Braid	...	*Ad valorem*	
	Hosiery ...	..	"	
	Piece-goods	...	"	
	All other sorts ...	...	"	

SCHEDULE B.

EXPORT TARIFF.

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs A.	
	DYEING AND COLOURING MATERIALS—			
	Indigo—			
	Leaves, green or dry ...	Ton	...	Rs 3.
	Manufactured	Indian maund of 3,200 tolahs.	...	
2	GRAIN AND PULSE—			
	Rice in the husk (paddy) ...	"	...	3 annas.
	" not in the husk ...	"	...	
3	LAC—			
	Button	Cwt.	65 0	4 per cent.
	Seed	"	45 0	
	Shell	"	80 0	
	Stick	"	35 0	
	All other sorts, except lac-dye, which is free	...	*Ad valorem*	

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THE INDIAN TARIFF ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
2. [*Repealed.*]
3. Saving clause.
4. Duties specified in schedules to be levied.
5, 6, 7. [*Repealed.*]
8. Export of pepper from Cochin.
9. [*Repealed.*]
10. Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.
11. Excise-duty on spirit distilled in British India.
12. [*Repealed.*]

SCHEDULE A.—IMPORT TARIFF.

SCHEDULE B.—EXPORT TARIFF.

ACT No. XVI of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th August 1875.)

An Act to amend the law relating to Customs Duties, and for other purposes.

WHEREAS it is expedient to amend the law relating to the duties of customs on goods imported and exported by sea, and to restrict the export of opium, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and for fixing a maximum duty of excise on spirit manufactured in British India, and to amend the Consolidated Customs Act; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Indian Tariff Act, 1875." Short title.

And it shall come into force on the passing thereof. Commencement.

This section *and section twelve, clause three,* apply to the whole of British India. Local extent.

The rest of this Act extends to the whole of British India except Aden.

2. [*Repealed by Act No. XII of 1876.*]

3. Nothing herein contained affects Act No. VI of 1873 (*to amend the law relating to the Transhipment of Goods imported by steamer, and for other purposes*),* or authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, salted fish, opium, and spirit.† ‡ Saving clause.

4. There shall be levied and collected, in every port to which this Act applies, the duties specified in schedules A and B hereto annexed. Duties specified in schedules to be levied.

5, 6, 7. [*Repealed by the Sea Customs Act, 1878. But see sections 21, 22, 23, and 155 of that Act.*]

8. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandí as the Governor of Fort Saint Export of pepper from Cochin.

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* Act No. VI of 1873 has been repealed by the Sea Customs Act, 1878.

† Under the Treaty between the British and Portuguese Governments which came into force on the 15th January 1880, goods imported into or exported from any port in British India, from or to any port in the Portuguese possessions in India, are to be treated, as regards payment of customs duties, as if they were imported from or exported to another British Indian port. Notifications of the Department of Finance and Commerce, No. 9, dated 3rd January 1880, and No. 47C., dated 4th February 1880.

‡ The ports of the Native States of Travancore and Cochin, and the ports of His Highness the Gáekwár, the Thakur of Bhaunagar, and the Nawab of Cambay, are on the footing of British Indian ports, for certain specified purposes under the Customs Act. Notifications of the Government of India, No. 1131, dated the 30th June 1865, and No. 1180, dated the 26th June 1866.

George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Collector of Customs at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs.

9. [*Repealed by the Opium Act, 1878.*]

Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.

10. Duties of customs shall be levied on goods passing by land into or out of Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George or the Presidency of Bombay at the rates prescribed in the schedules A and B hereto annexed.

Excise-duty on spirit distilled in British India.

11. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs-duty on spirit imported into British India, it is hereby further enacted as follows:—

Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the official Gazette, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by schedule A hereto annexed;

and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

12. [*Repealed by the Sea Customs Act, 1878.*]

SCHEDULE A.

SCHEDULE A.

IMPORT TARIFF.

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.	REMARKS.
			RS. A.		
1	APPAREL, INCLUDING HABERDASHERY AND MILLINERY, BUT EXCLUDING BOOTS, SHOES, AND HOSIERY ...	...	*Ad valorem*	5 per cent.	See section 8 and the second schedule of the Indian Arms Act (XI) 1878. Gunwads held to be ammunition. Letter from Government of India, Department of Revenue, Agriculture, and Commerce, to Government of Bengal, No. 161, dated 6th December 1877.
2	ARMS, AMMUNITION, AND MILITARY STORES—				Arms, forming part of the regular equipment of an officer entitled to wear diplomatic, military or police uniform, and a revolver or a pair of pistols accompanying a military officer, are free of duty, as personal baggage. Resolution by the Department of Finance and Commerce, Nos. 2498, dated 30th August 1879, and 128C., dated 18th December 1879.
	Fire-arms and parts thereof ...	...	*Ad valorem*	10 per cent.	
	Gunpowder, common ...	lb.	0 5		
	" sporting ...	"	1 0		
	All other sorts	...	*Ad valorem*		
3	*Brushes, all sorts*	...	*Ad valorem*	5 per cent.	Duties under Nos. 3 to 9 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878. But chemical products and preparations containing 20 per cent. or more of proof spirit to pay duty as spirit, section 21 of the Sea Customs Act, 1878, being applied. Letters from Government of India, Department of Revenue, Agriculture, and Commerce, to Collector of Customs, Calcutta, No. 78, dated 6th April 1877, and to Government of Bombay, No. 96, dated 18th June 1877.
4	*Building and Engineering Materials—*				
	Asphalt	...	*Ad valorem*		
	Cements, all sorts	...	"		
	Earthenware piping ...	...	"		
5	*Cabinet-ware and Furniture* ...	...	*Ad valorem*		
6	*Candles—*				
	Paraffine	lb.	0 5		
	Spermaceti	"	0 8		
	Wax	"	1 0		
	All other sorts, including composition	"	0 5		
7	*Canes, Rattans, Articles made of Cane or Rattan and Basket work—*				
	Canes, Malacca	*Doz.*	1 0		
	Rattans	*Cwt.*	7 0		
	All other sorts, except common bamboos, which are free ...	...	*Ad valorem*		
8	*Carriages and component parts thereof, except Railway-carriages and Trucks*	...	*Ad valorem*		
9	*Chemical Products and Preparations—*				Dynamite (*a*) and Tonite (*b*) to be classed under Chemical Products and Preparations. Circulars of the Department of Finance and Commerce, (*a*) No. 97C., dated 25th March 1880, and (*b*) No. 39C., dated 25th January 1881.
	Acid, sulphuric	lb.	0 2		
	Alkali, country (sajji khár) ...	*Cwt.*	2 0		
	Alum	"	4 0		
	Arsenic	"	25 0		
	" *China mansil* ...	"	16 0		
	Brimstone, flour	"	7 0		
	" *roll*	"	6 0		
	" *rough*	"	4 8		
	Copperas, green	"	3 0		
	Sal ammoniac	"	25 0		
	All other sorts	...	*Ad valorem*		
10	CHINESE AND JAPANESE-WARE, INCLUDING LACQUERED-WARE, BUT EXCLUDING EARTHENWARE, CHINA, AND PORCELAIN	...	*Ad valorem*		

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
11	Clocks, Watches, and other Time-keepers	...	*Ad valorem*		
12	*Coir and articles made of Coir—*				Duties under No. 12 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 48, dated 18th March 1878.
	Matting	...	*Ad valorem*		
	Yarn of all kinds	*Cwt.*	9 0		
	Other articles made of Coir, except Cables and Rope ...		*Ad valorem*		
13	Coral, real	...	*Ad valorem*		
14	*Cordage and Rope, made of any vegetable fibre except Cotton and Jute—*				Duties under No. 14 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 48, dated 18th March 1878.
	Coir-cables, tarred	*Cwt.*	10 0		
	Coir-rope	"	10 0		
	Cordage, hemp, European ...	"	20 0		
	" *Manilla* .	"	25 0		
	Twine, European, Sail	*lb.*	0 8		
	All other sorts	...	*Ad valorem*		
15	Cork and Articles made of Cork—				
	Bottle-corks	Gross	1 12†		
	Val-corks	"	0 8		
	All other sorts	...	*Ad valorem*		
16	Cotton and Articles made of Cotton—				
	Cotton-hosiery	...	*Ad valorem*		
	Cotton, raw, not the produce of Continental Asia or Ceylon ...	...	"	5 per cent.	Duty on raw Cotton under No. 16 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 13, dated 18th March 1878.
	Cotton-rope	Cwt.	35 0‡		
	Country canvas	"	50 0		
	Piece Goods—				
	Grey—				
	Jaconets, exceeding 10 × 10 to the quarter-inch ...	lb.	0 11½‡		
	Jaconets, other sorts	"	0 10‡		
	Mulls	"	0 13†		
	Printers	"	0 10½†		
	Shirtings, Longcloths and Madapollams† .	"	0 9‡		
	T Cloths, 18 reed and upwards†	"	0 9†		
	T Cloths exceeding 12 × 10 and not above 4 lbs †	"	0 8½†		Duty on all Grey piece-goods, howsoever designated, which are shown to the satisfaction of the Customs-Collector to contain no yarn of a higher number than 30s., remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 59, dated 13th March 1879. This exemption extended by notification, No. 54C., dated 5th February 1881, to the class of grey cotton piece-goods known as dhoties and dhoties-bordered piece-goods which contain no yarn of a higher number than 30s. except in the border, when such border, whether coloured, white, or grey, is not more than 4½ inches in width.
	T Cloths other sorts, jeans, domestics, sheetings, and drills†	"	0 7†		
	Other sorts	...	*Ad valorem*		

† See notification, Department of Finance and Commerce, No. 71C., dated 5th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
16	Cotton and articles made of Cotton—*continued.*				
	Sewing thread—				
	Goa and country	Cwt.	30 0	5 per cent.	
	On reels or cards containing 100 yards each, and *pro rata* above and below§ ...	Gross.	3 0		
	White and coloured	lb.	1 0		
	Twist—				
	Mule, single, *No. 15 and lower Nos.*	*lb.*	*0 6*	7½ per cent.	Duty on Grey Mule Twist No 32 and lower numbers, and on Grey Water Twist No. 20 and lower numbers, remitted by notifications, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878, and No. 56, dated 24th April 1878.
	" *Nos. 16 to 24* ...	"	*0 7*		
	" " *25 to 32* ..	"	*0 8*		
	" " 33 to 42 ...	"	0 9½‡		
	" " 43 to 52 ...	"	0 11 †		
	" " 53 to 60 ...	"	0 12 ‡		
	" " 61 to 70 ...	"	0 13½*		
	" " 71 to 80 ...	"	0 15		
	And so on, one anna to be added to the valuation per lb. for every count of ten, or part of a count of ten, above 80.				
	If doubled, one and a half anna per lb., to be added to the valuation of single twist ‡				
	If bleached, one anna per lb., to be added to the valuation of single or double twist.‡				
	Water, single, *No. 20 and lower Nos.*	"	*0 8*		
	" Nos. 21 to 30 ..	"	0 9 †		
	" " 31 to 40 ..	"	0 11 †		
	" " 41 to 50 ..	"	0 12½†		
	Above 50 .	"	0 15 †		
	If doubled, one and a half anna per lb., to be added to the valuation of single twist ‡				
	If bleached, one anna per lb. to be added to the valuation of single or double twist.‡				
	**Twist, Orange, Red and other colours, except Alizarine and Turkey Red‡—				
	Single	"	0 11½‡		
	Doubled	"	0 13½‡		
	**Twist, Alizarine and Turkey Red, all kinds‡—				
	Single	"	1 2 ‡		
	Doubled	"	1 5 ‡		
	Cotton goods, all other sorts .		*Ad valorem*		
17	Drugs and Medicines, except Opium—			5 per cent.	Drugs and medicines containing less than 20 per cent. of proof spirit to pay duty at 5 per cent. *ad valorem*, but those containing 20 per cent. or more of proof spirit to pay duty as spirit, section 21 of the Sea Customs Act, 1878, being applied. Letters from Government of India, Department of Revenue, Agriculture and Commerce, to Collector of Customs, Calcutta, No. 78, dated 6th April 1877, and to Government of Bombay, No. 96, dated 18th June 1877. Drugs imported by paper manufacturers and shown to the satisfaction of the Chief Customs authority of the place where they are imported
	Aloes, black	Cwt	14 0†		
	" Socotra .. .	"	80 0‡		
	Aloe wood† ...	lb.	3 0†		
	Asafœtida (hing) ...	Cwt.	85 0‡		
	" coarse (hingra) .	"	13 0‡		
	Brimstone (Amalsara)† ..	"	45 0‡		
	Camphor, Bhemsaini (baras) .	lb	80 0		
	" refined, cake ..	Cwt.	60 0‡		
	" crude, in powder	"	55 0‡		
	Cassia lignea .	"	23 0‡		
	China root, rough† . ..	"	9 0†		
	" scraped† ...	"	22 0†		

* See notification, Department of Revenue, Agriculture, and Commerce, No. 90, dated 13th March 1870.
† See notification, Department of Finance and Commerce, No. 710, dated 6th March 1870.
‡ See notification, Department of Finance and Commerce, No. 1010, dated 10th March 1871.
§ Duty to be charged either on the mask or on the actual length.
** Duty to be charged on the grey weight of the coloured yarn; when this is not ascertainable, the actual wharf weight, or invoice weight, to be taken.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
17	Drugs and Medicines, except opium—*continued.*				
	Galangal, China†	Cwt.	8 0†		to be intended solely for use in the manufacture of paper, exempted from duty by notification, Government of India, Financial Department, No. 190, dated 13th January 1876. Cod-liver oil to be classed and charged with duty under the head Drugs and Medicines, whether imported in casks or bottles. Circular of the Department of Finance and Commerce, No. 2747, dated 13th September 1879.
	Pellitory (Akalkara)† ...	,,	35 0†		
	Salep	,,	90 0*		
	Senna leaves	,,	4 0*		
	Storax, liquid (Rose melloes)† ...	,,	38 0‡		
	All other sorts, *except quinine, which is free*	...	*Ad valorem*		
18	Dyeing and Colouring Materials—				
	Aniline dyes, all colours‡ ...	lb.	3 8‡		
	Cochineal	,,	1 8‡		
	Gallnuts, Myrabolam† ...	Cwt.	4 8†		
	,, Persian	,,	35 0*		
	Madder or manjith	,,	11 0‡		
	Orchilla weed	,,	5 0		
	Sapan wood and root ...	,,	6 0‡		
	All other sorts	...	*Ad valorem*	5 per cent.	Duty on Lac remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 110, dated 14th July 1877. Ochre imported by paper manufacturers and shown to the satisfaction of the Chief Customs authority of the place where it is imported to be intended solely for use in the manufacture of paper, exempted from duty by notification, Government of India, Financial Department, No. 190, dated 13th January 1876.
19	Earthenware (except earthenware piping), China, China Clay, and Porcelain	...	*Ad valorem*		China clay imported by paper manufacturers and shown to the satisfaction of the Chief Customs authority of the place where it is imported to be intended solely for use in the manufacture of paper, exempted from duty by notification, Government of India, Financial Department, No. 190, dated 13th January 1876.
20	Fireworks *				
	China	Box of 13⅓ lbs.	30 0		
	All other sorts	...	*Ad valorem*		
21	*Flax and articles made of Flax—*				
	Canvas, European, soil, not exceeding 40 yards	*Bolt*	*15 0*		Duties under No. 21 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
	Piece-goods	...	*Ad valorem*		
	All other sorts, including linen-thread ...	...	,,		

* See notification, Department of Revenue, Agriculture, and Commerce, No. 60, dated 13th March 1879.
† See notification, Department of Finance and Commerce, No. 71C., dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
22	*Fruits and Vegetables*—				
	Almonds without shell ...	*Cwt.*	*30 0*		
	" *in the shell* ...	"	*11 0*		
	Cajoo-kernels	"	*10 0*		
	Cocoanuts	*Thousand*	*30 0*		
	" *kernel (khopra)* ...	*Cwt.*	*8 8*		
	Currants, European	"	*35 0*		
	" *Persian*	"	*12 0*		
	Dates, dry, in bags	"	*4 8*		
	" *wet, in bags*	"	*3 8*		
	" " *in pots*	"	*7 0*		Duties under No. 22 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
	Figs, European	"	*42 0*		
	" *Persian dried*	"	*6 8*		
	Garlic	"	*5 0*		
	Pistachio-nuts	"	*20 0*		
	Prunes, Bussorah	"	*16 0*		
	Raisins, black, Persian Gulf, Red Sea, and Kishmish	*Cwt.*	*16 0*		
	" *Munakka, Persian Gulf, and Red Sea.*	"	*7 0*		
	" *Malaga and bloom* ...	*lb.*	*0 10*		
	" *other sorts* ...	...	*Ad valorem*		
	Walnuts ...	*Cwt.*	*5 8*		
	*All other sorts, except Bed-mushk**, Bazarbattu-nuts,§ and fresh fruits and vegetables not separately enumerated, which are free*	...	*Ad valorem*		
23	Glass, Glass-ware, Beads, False Pearls, and False Corals—				
	Bangles, Glass, China, gilt ...	100 pairs	15 0†		
	" " " not gilt ...	"	3 0‡		
	Beads, China	Cwt.	30 0	5 per cent.	
	Coral, false	...	*Ad valorem*		
	Glass, China, of all colours ...	133⅓ lbs.	32 0		
	" Crown, coloured ...	100 supl. feet	20 0‡		
	" " of sizes ...	"	6 0†		
	Pearls, false—				
	Bájria	Lákh	3 0*		
	Boria	Thousand	1 0*		
	Jouria	Lákh	5 0*		
	Lolakh†	Thousand	0 12†		
	Nathia	"	0 3*		
	Tachea	"	1 0		
	Wattanah	Lákh	10 0‡		
	All other sorts of beads, false pearls, and glass, except bottles used to bottle beer, wine, spirit, or aërated waters, which are free	...	*Ad valorem*		
24	Gums, Gum Resins, and Articles made of Gum or Gum Resin—				Raw caoutchouc exempted from duty by notification, Department of Finance and Commerce, No. 2908, dated 25th September 1880.
	Copal	Cwt.	75 0‡		
	Cutch and Gambier	"	13 0‡		
	Gum Ammoniac	"	14 0†		Duty on Gum Arabic, Gum Benjamin, and Gum Olibanum or Frankincense, remitted by notification, Department of Finance and Commerce, No. 3797, dated 13th November 1880.
	" *Arabic* ...	"	*18 0*†		
	" Bdellium (common gum) ...	"	7 0†		
	" *Benjamin*	"	*40 0*		
	" Bysabol (coarse myrrh) ...	"	20 0‡		
	" *Olibanum or frankincense* ...	"	*12 0*		
	" Persian (false) ...	"	4 0†		
	Kino	"	10 0		
	Myrrh	"	85 0†		

* See notification, Department of Revenue, Agriculture, and Commerce, No. 60, dated 13th March 1879.
† See notification, Department of Finance and Commerce, No. 71C., dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.
** Bed-mushk is not to be classed under the head of "Fruits and Vegetables," but under No. 17, "Drugs and Medicines," all other sorts. Circular of the Department of Finance and Commerce No. 42C—43C., dated 31st January 1880.
§ Bazarbattu-nuts, the inedible fruit of *Corypha umbraculifera*, are not to be classed under the head of "Fruits and Vegetables," but under the head of "All other articles" in the trade returns. Circular of the Department of Finance and Commerce, No. 80C., dated 16th March 1880.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
24	Gums, Gum Resins, and Articles made of Gum or Gum Resin—*continued.*		Rs. A.		
	Rosin	Cwt.	5 8†	5 per cent.	Rosin imported by paper manufacturers and shown to the satisfaction of the Chief Customs authority of the place where it is imported to be intended solely for use in the manufacture of paper, exempted from duty by notification, Government of India, Financial Department, No. 190, dated 13th January 1876.
	All other sorts	...	*Ad valorem*		Duty on Lac remitted by notification, Department of Revenue, Agriculture and Commerce, No. 110, dated 14th July 1877.
25	Hardware and Cutlery, including Ironmongery and Plated-ware, but excluding Machinery and the component parts thereof, which are free, and Agricultural Implements, which also are free	...	*Ad valorem*		Hand pumps exempted from duty under the head of Machinery, Circular of the Department of Finance and Commerce, No. 5 C., dated 7th January 1881. Pickaxes, for whatever purpose imported, exempted from duty as Agricultural Implements. Circular of the Department of Finance and Commerce, No. 10C., dated 10th January 1881. See Section 8 and the second schedule of the Indian Arms Act (XI), 1878.
26	*Hemp and articles made of Hemp—*				
	Piece-goods	...	*Ad valorem*		
	All other sorts, except rope ...	...	"		
27	*Hides and Skins, except raw or salted Hides or Skins, which are free—*				Duties under Nos. 26, 27, and 28 (except in respect of musical instruments and apparatus) remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878. Regimental band instruments exempted from duty by notification, Department of Revenue, Agriculture, and Commerce, No. 132, dated 21st September 1877. This exemption includes band instruments of duly constituted Volunteer Corps. Letter from the Government of India, Department of Revenue, Agriculture, and Commerce, to the Chief Commissioner of British Burma, No. 38, dated 11th March 1878.
	Hides—				
	Border	*Each*	30 0		
	Buffalo	*Score*	80 0		
	Cow	"	60 0		
	Skins—				
	Calf	*Doz.*	45 0		
	Chamois	"	6 0		
	Goat	*Score*	16 0		
	Lamb	"	6 0		
	Roan	*Doz.*	30 0		
	Sheep	*Score*	11 0		
	All other sorts	.	*Ad valorem*		
28	Instruments and Apparatus—				
	Musical	...	*Ad valorem*		
	Drawing, Measuring, Optical, Photographic (including materials for Photography), Surveying, and Surgical (including surgical appliances)	...	"		

† See notification, Department of Finance and Commerce, No. 71C., dated 6th March 1880.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
29	Ivory and Ivory-ware—		Rs. A.		
	Unmanufactured—				
	Elephants' grinders ...	Cwt.	125 0	5 per cent.	
	Elephants' tusks (other than hollows, centres and points,) each exceeding 20 lbs. in weight, and *hollows, centres and points*, each weighing 10 lbs. and over‡ ...	"	550 0‡		
	Elephants' tusks (other than hollows, centres and points) not less than 10 lbs. and not exceeding 20 lbs. each, and *hollows, centres and points*, each weighing less than 10 lbs.‡	"	465 0‡		
	Elephants' tusks (other than hollows, centres and points) each less than 10 lbs.‡ ...	"	265 0‡		
	Sea-cow or moye teeth, each not less than 4 lbs.† ...	"	175 0†		
	Sea-cow or moye teeth, each not less than 3 lbs., and under 4 lbs.†	"	85 0†		
	Sea-cow or moye teeth, each less than 3 lbs.	"	65 0‡		
	Articles made of ivory—				
	Bangle-rings†	"	800 0†		
	Cylinder-rings†	"	1,000 0†		
	Other sorts†	...	*Ad valorem*		
30	Jewellery, including Plate—				
	Silver-ware, plain, embossed or chased — Other than European	Tolah	1 2		
	" embossed or chased — Other than European	"	1 8		
	All other sorts, *except precious stones and pearls, which are free*...	...	*Ad valorem*		Duties under No. 31 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
31	*Leather and Articles made of Leather, including Boots, Shoes, Harness, and Saddlery, but excluding Belting for driving Machinery, which is free* ...	...	*Ad valorem*		
32	Liquors—				
	Ale, beer, and porter ... / Cider, and other fermented liquors	Impl. Gallon or six quart bottles ...	...	One anna.	Condensed or concentrated beer exempt from Customs duty, but as soon as it is rendered potable, it should be brought under the operation of the Inland Excise Law. Circular of the Department of Finance and Commerce, No. 3004, dated 30th September 1880.
	Liqueurs	"	...	Rs. 4.	
	Spirit, for use exclusively in arts, or manufactures or in chemistry, which has been rendered effectually and permanently unfit for human consumption ...	...	*Ad valorem*	10 per cent.	
	Spirit, other sorts	Impl. Gallon or six quart bottles of the strength of London proof ...	...	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.	See Sea Customs Act, 1878, Section 151. Spirit imported from any port in British India and protected by the certificate of an officer empowered in that behalf by the Governor General in Council or the Local Government, is chargeable with only the amount, if any, by which the duty leviable under this schedule exceeds the duty shown by such certificate to have been already paid in respect thereof. Notification, Government of India, Financial Department, No. 2346, dated 5th August 1875. This order applies to ports in the Portuguese possessions in India. See notification, Department of Finance and Commerce, No. 9, dated 3rd January 1880.

† See notification, Department of Finance and Commerce, No. 71C., dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
32	Liquors—*continued.*				
	Wines—				
	Champagne and all other sparkling wines ...	Impl. Gallon or six quart bottles ...	...	Rs. 2-8.	
	Claret, and still Burgundy ...	"	...	Re. 1.	
	All other sorts of still wines ...	"	...	Re. 1-8.	Duty on all other sorts of still wines reduced to one rupee by notification, Department of Revenue, Agriculture, and Commerce, No. 116, dated the 12th September 1878.
33	Matches, Lucifer and all other sorts	...	*Ad valorem*	5 per cent.	
34	*Mats*—				
	Floor-matting, China and Singapore, of all sorts	*Hundred*	*70 0*		Duties under No. 34 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
	All other sorts, except coir-matting	...	*Ad valorem*		
35	Metals, unwrought, wrought, and articles made of metals—				
	Brass—				
	Beads, Ghúngrí, China ...	Thousand	1 0*		
	Old	Cwt.	30 0*		
	Sheets, rolls, very thin ...	"	75 0†		
	Wire	lb.	0 7*		
	All other sorts	...	*Ad valorem*		
	Copper—				
	Australian‡	Cwt.	44 0†		
	Bolt	"	47 0†		
	Brazier's and sheets ...	"	46 0†		Old copper sheathing taken from the bottom of a vessel last coppered in British India, is exempted from duty, except in cases where drawback may have been given. Circular of the Department of Finance and Commerce, No. 383, dated 6th May 1880.
	China cash	"	32 0†		
	Japan	"	41 0*		
	Nails and composition nails ..	"	46 0†		
	Old	"	40 0*		
	Pigs and slabs, foreign ...	"	40 0‡		
	Sheathing, plate, and raised bottoms	"	48 0‡		
	Tiles, ingots, cakes, and bricks...	"	42 0‡		
	Other sorts, unmanufactured ...	...	*Ad valorem*		
	China, white copper-ware ...	lb.	1 2		
	Foil or dakpana ...	100 leaves	3 0		
	Wire	lb.	0 9*		
	All other sorts	...	*Ad valorem*		
	Gold leaf, European... ...	100 leaves	3 0†		
	" Mock	20 books	5 0		Mock gold leaf to pay duty at 5 per cent. *ad valorem* instead of Rs. 5 per 20 books. Notification, Government of India, Department of Revenue, Agriculture, and Commerce, No. 86, dated 11th May 1877. *Gold leaf* from China, imported in books, and used for gilding, is subject to duty *ad valorem* under the head Metals, all other sorts. (Letter from Government of India, Department of Revenue, Agriculture, and Commerce, to the Chief Commissioner of British Burma, No. 270C., dated the 4th July 1878.) This article has in some places been mistakenly identified with *leaf gold* from China, which is bullion and as such free of duty.

* See notification, Department of Revenue, Agriculture, and Commerce, No. 60, dated 13th March 1879.
† See notification, Department of Finance and Commerce, No. 71C., dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
35	Metals, &c.,—*continued.*				
	Iron—				
	Anchors and cables ...	...	*Ad valorem*		
	Angle and T iron	Ton	110 0‡		
	Beams, pillars, girders, bridge-work and other descriptions of iron, imported exclusively for building purposes ...	...	*Ad valorem*		
	Flat, square and bolt, including Scotch	Ton	90 0‡		
	Galvanised	Cwt.	10 0‡		
	Galvanised sheets and ridging	"	10 0‡		
	Hoop, plate, and sheet, other than Swedish‡	Ton	115 0‡		
	Nails, rose, clasp, and flat-headed, rivets and washers	Cwt.	11 0‡		
	Nails, other sorts, including galvanised	..	*Ad valorem*	1 per cent	Swedish round iron of all sizes, and Swedish iron sheets and plates, exempted from four-fifths of the duties to which they were hitherto liable. Notification of the Department of Finance and Commerce, No 70C, dated 6th March 1880.
	Nail-rod	Ton	90 0‡		
	Old	Cwt.	1 8*		
	Pig	Ton	45 0‡		
	Pipes and tubes ...	...	*Ad valorem*		
	Rice bowls	Set of ten	4 0§		
	" "	" six	2 0§		
	Rod, round (other than Swedish) not exceeding half-inch diameter ‡	Ton	100 0‡		
	Rod, round (other than Swedish) exceeding half-inch diameter‡	"	90 0‡		
	Swedish, flat, square and bolt†	"	135 0‡		
	" nail rod† .. .	"	150 0‡		
	" round rod, not exceeding half an inch in diameter †	"	160 0‡		
	Tinned plates	Cwt.	12 0*		
	All other sorts, including wire, but excluding railway-materials, *and kentledge, which last named articles is free*	...	*Ad valorem*		Iron ore to be passed free of duty. Letter from Government of India, Department of Revenue, Agriculture, and Commerce, to Collector of Customs, Calcutta, No. 121, dated 21st February 1877.
	Lametta, double reels ..	Score	4 8		
	" single "	"	2 4		
	Lead—				
	Ore, Galena	Cwt.	13 0		
	Pig	"	11 0‡		
	Pipes	...	*Ad valorem*		
	Sheets, tea	Cwt.	17 8‡		
	" other sorts	"	13 0*		
	Orsidue and brass-leaves, foreign, European .. .	lb.	1 2		
	Orsidue and brass-leaves, China .	lb.	1 0*		
	Patent or Yellow Metals, sheathing, sheets, and bolts .	Cwt.	37 0‡		
	Ditto ditto, old	"	30 0*		
	Quicksilver	lb.	1 1‡		
	Shot, bird	Cwt.	16 0		
	Steel, excluding railway-materials—			5 per cent	
	Blistered	"	9 0†		
	British and foreign other than Swedish	...	*Ad valorem*‡		
	Cast .. .	..	*Ad valorem***		
	Spring . .	Cwt.	9 0†		
	Swedish ..	"	10 0†		
	Tin, block	"	60 0‡		
	" foil, China†	lb.	0 12†		
	" other sorts	...	*Ad valorem*		
	Zinc or spelter—				
	Nails	Cwt.	16 0‡		
	Plate and other shapes, soft	"	13 0‡		
	" " " " hard .	"	10 0‡		
	Sheet or zinc sheathing ...	"	15 0‡		
	All other sorts	.	*Ad valorem*		Current coin and bullion exempted from duty by notification, Department of Revenue, Agriculture, and Commerce, No 148, dated 12th October 1877.

* See notification, Department of Revenue, Agriculture, and Commerce No 60, dated 14th March 1879.
† See notification, Department of Finance and Commerce, No 70C, dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No 101C, dated 19th March 1881.
§ See notification, Department of Finance and Commerce, No 1190, dated 14th June 1880.
** See notification, Department of Finance and Commerce, No 721, dated 14th February 1881.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
36	*Military and other Uniforms and Accoutrements, &c., except Uniforms and Accoutrements imported by a Public Servant for his personal use, which are free* ...	...	*Ad valorem*		Duties under Nos. 36 and 37 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
37	*Naval Stores not otherwise described, except Oakum, which is free* ...	...	*Ad valorem*		
38	*Oils—*				Duties under Nos. 38 and 39 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878. But Turpentine is subject to duty under No. 41. See Resolution, Department of Finance and Commerce, No. 1972, dated 30th July 1879.
	Cassia	*lb.*	3 0	*5 per cent.*	
	Cocoanut	*Cwt.*	15 0		
	Grass	*lb.*	1 12		
	Jinjili or til	*Cwt.*	15 0		
	Kerosine, paraffine, petroleum, rock and shale oils of all descriptions	*Impl. Gallon*	0 12		
	Linseed, European	*,,*	2 0		
	Naphtha	*Cwt.*	30 0		
	Otto of sorts	*oz.*	10 0		
	Sandalwood	*lb.*	8 0		
	Turpentine	*Impl. Gallon*	1 10		
	Whale (except spermaceti) and fish	*Cwt.*	15 0		
	Wood	*,,*	15 0		
	All other sorts, except cocum and slush fat, which are free ...	...	*Ad valorem*		
39	*Oil and Floor Cloth*	...	*Ad valorem*		
40	Opium not covered by a Government pass	Seer of 80 tolahs.	...	Rs. 24.	See the Sea Customs Act 1878, section 20 (*b*) and the Opium Act 1878, sections 4 (*e*), 5 (*c*) and proviso, and 6. Opium imported from any port in British India and protected by the certificate of an officer empowered in that behalf by the Governor General in Council or the Local Government is chargeable with only the amount, if any, by which the duty leviable thereon under this schedule exceeds the duty shown by such certificate to have been already paid in respect thereof. The amount, if any, paid to the Government as the price of such opium is not duty within the meaning of this order. Notification, Government of India, Financial Department, No. 2346, dated 5th August 1875.
41	Paints, Colours, Painters' Materials, and Compositions for application to Leather and Metals—				Ochre imported by paper manufacturers and shown to the satisfaction of the Chief Customs authority of the place where it is imported to be intended solely for use in the manufacture of paper, exempted from duty by notification, Government of India, Financial Department, No. 190, dated 13th January 1876.
	Ochre other than European, all colours	Cwt.	1 4*	5 per cent.	
	Paints of sorts	,,	13 0‡		
	,, Composition	,,	35 0‡		
	,, Patent driers... ...	,,	15 0†		
	Prussian blue, China	lb.	0 8		
	,, ,, European ...	,,	1 6*		
	Red lead	Cwt.	14 0		
	Turpentine	Impl. Gallon	1 12†		
	Verdigris	Cwt.	70 0*		
	Vermilion, Canton	Box of 90 bundles.	75 0†		
	White lead	Cwt.	14 0‡		Duties under No. 42 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
	All other sorts	...	*Ad valorem*		
42	*Paper—*				
	Wall paper	...	*Ad valorem*		

* See notification, Department of Revenue, Agriculture, and Commerce, No. 60, dated 13th March 1879.
† See notification, Department of Finance and Commerce, No. 716C., dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
43	Perfumery—				
	Atary, Persian	Cwt.	15 0	5 per cent.	
	Perfumed spirit in wood, or in bottles containing more than half a pint	Impl. Gallon	...	Rs. 4.	
	Rose-flowers, dried	Cwt.	10 0†		
	Rose-water	Impl. Gallon	1 12		
	All other sorts, including perfumed spirit in bottles containing not more than half a pint...	...	*Ad valorem*		
44	Piece Goods, not otherwise described	...	*Ad valorem*		Duties under No. 44 on piece goods made of jute, and under Nos. 45 and 46, remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
45	*Pipes and other Implements used in the consumption of Tobacco* ...	...	*Ad valorem*		
46	*Pitch, Tar, and Dammer—*				
	Bitumen	...	*Ad valorem*		
	Dammer	*Cwt.*	*5 0*		
	Pitch, American and European ...	"	*6 0*		
	Pitch, Coal	"	*2 8*		
	Tar, American and European ...	"	*6 0*	5 per cent.	
	" *Coal*	"	*2 8*		
	" *Mineral*	...	*Ad valorem*		
47	Provisions and Gilman's Stores—				
	Bacon in canisters, jowls and cheeks	lb.	0 13‡		Tamarinds and dried lemons should be classed for assessment of duty under No. 47, sub-head, Groceries not otherwise described. Circular of the Department of Finance and Commerce, No. 35C., dated 28th January 1880.
	Beef and Pork	Tierce of three cwt.	60 0		
		Barrel of two cwt.	40 0		
	Cheese	lb.	0 13‡		
	China preserves	Box of 6 jars	8 0		
	Flour	Barrel or sack of 200lbs.	18 0†		
	Ghee	Cwt.	40 0*		
	Groceries not otherwise described	...	*Ad valorem*		
	Pork-hams	lb.	0 13‡		
	Sago†	Cwt.	11 0‡		
	Salted fish§	"	...	*12 annas.*§	
	Tapioca†	"	11 0‡		
	Tongues, salted	Keg of six	10 0		
	Vinegar, European, in wood ...	Impl. Gallon	1 0*		
	" Persian	"	1 0†	5 per cent.	
	" Country	"	0 6		
	All other sorts, *except biche-de-mer, fish-maws, shark fins, singally, and sozille, which are free*	...	*Ad valorem*		
48	*Railway Materials—*				Duties under No. 48 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
	Of iron	...	*Ad valorem*	*1 per cent.*	
	Steel rails and other articles made of steel intended for the permanent way of railways ...	...	"		
	All other sorts, including carriages and trucks	...	*Ad valorem*	*5 per cent.*	
49	Salt—				The duty on salt imported into Bengal was reduced to Rs. 2-14 per maund of 82⅔ lbs. avoirdupois by notification, Department of Revenue, Agriculture, and Commerce, No. 100, dated 31st July 1878.
	Imported into British Burma ...	Indian maund of 82⅔ lbs. avoirdupois weight¶.	...	3 annas.	
	" into Bengal ...	"	...	Rs. 2-14.	

* See notification, Department of Revenue, Agriculture, and Commerce, No 60, dated 13th March 1879.
† See notification, Department of Finance and Commerce, No. 71C., dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.
§ Duty to be levied only on salted fish imported into the Bombay Presidency‡ except *Sindh* and into such other parts of British India as the Governor General in Council may, by notification in the *Gazette of India*, from time to time, direct. The duty was extended to salted fish imported into Sindh, Notification, Government of India, Department of Revenue, Agriculture, and Commerce, No. 174, dated 28th December 1877, but was remitted on salted fish imported into the Bombay Presidency, or Sindh, by notification, Department of Finance and Commerce, No. 3659, dated 13th November 1880.
¶ See Salt Act, 1877, Section 4.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.		Rate of Duty.	Remarks.
			Rs.	A.		
49	Salt—*continued.*					
	Imported into any other part of British India	Indian maund of 82⅔ lbs. avoirdupois weight.§	...		Rs. 2-8§	Salt imported into the Port of Calcutta and issued with the sanction of the Government of Bengal to manufacturers of glazed stone-ware, exempted from duty by notification, Department of Revenue, Agriculture, and Commerce, No. 150, dated 12th July 1877. See Sea Customs Act, 1878, section 20 (*b*) Salt imported from any port in British India and protected by the certificate of an officer empowered in that behalf by the Governor General in Council, or the Local Government, is chargeable with only the amount, if any, by which the duty leviable thereon under this schedule exceeds the duty shown by such certificate to have been already paid in respect thereof. The amount, if any, paid to the Government as the price of the salt is not duty within the meaning of this order. Notification, Government of India, Financial Department, No. 2346, dated 5th August 1875.
50	*Seeds*—					Duties under No. 50 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
	Castor	*Cwt.*	*4*	*8*		
	Cummin	"	*13*	*0*		
	" *black*	"	*4*	*8*		
	Linseed	"	*5*	*8*		
	Methi	"	*4*	*0*		
	Mustard, rape or sarson ...	"	*4*	*8*		
	Quince seed or bihi-dana ...	"	*30*	*0*		
	Sozfra	"	*20*	*0*		
	All other sorts, except seeds imported by any Public Society for gratuitous distribution, which are free	...	*Ad valorem*			
51	Shells and Cowries—					
	Chanks—					
	Large shells, for cameos ..	Hundred	6	0*	5 per cent	
	White, live	"	7	0‡		
	" dead	"	4	0‡		
	Cowrie—					
	From Mozambique and Zanzibar	"	0	8*		
	From other places ...	"	0	8		
	Cowries—					
	Bázár, common	Cwt.	3	0†		
	Maldive	"	7	8*		
	Nakhla†	"	65	0†		
	Sankhh	"	55	0‡		
	Yellow, superior quality ...	"	2	8*		
	Mother of pearl	"	*20*	*0**		Duty on Mother-of-pearl and Tortoise-shell remitted by notification, Department of Finance and Commerce, No. 3707, dated 13th November 1880.
	Tortoise shell	*lb.*	*6*	*0*		
	Tortoise nakh	"	1	0		
	All other sorts	...	*Ad valorem*			

* See notification, Department of Revenue, Agriculture, and Commerce, No. 60, dated 18th March 1879.
† See notification, Department of Finance and Commerce, No. 71C, dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C, dated 19th March 1881.
§ See the Salt Act, 1877, section 4.

SCHEDULE A—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.	Remarks.
			Rs. A.		
52	Silk and Articles made of Silk—				
	Floss	lb.	9 0*		
	Piece-goods	...	*Ad valorem*		
	Raw Silk—				
	Chaháram, Cochin China, and yellow Shanghai ...	lb.	5 4‡		
	Mathow	,,	2 8‡		
	Other kinds of China ...	,,	7 0		
	Raw silk the produce of the tasar or other wild worm ...	,,	2 8*		
	Waste and Kachra ...	,,	1 2‡		
	Panjam	,,	2 0‡		
	Persian	,,	5 4‡		
	Siam	,,	2 0*		
	Sewing thread, China ...	,,	9 0†		
	All other sorts	...	*Ad valorem*		
53	*Soap*	...	*Ad valorem*		Duties under No. 53 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
54	Spices—				
	Aniseed, star	Cwt.	25 0‡		
	Betelnuts—				
	Goa	,,	12 0		
	In the husk	Thousand	2 0		
	White, Srivarddhan ...	Cwt.	22 0‡		
	All other sorts	,,	9 0‡		
	Chillies, dried	,,	9 0*		
	Cloves	,,	70 0†		
	Clove stems and heads† ...	,,	22 0†		
	Cloves in seeds, Narlavang ...	,,	30 0‡		
	Mace	lb.	1 0†	5 per cent.	
	Nutmegs	,,	1 0		
	,, in shell	,,	0 8†		
	Pepper, black and long ...	Cwt.	21 0‡		
	,, white	,,	32 0		
	All other sorts	...	*Ad valorem*		
55	Stationery (*except Paper, which is free*)	...	*Ad valorem*		
56	Sugar—				
	China, candy	Cwt.	22 0‡		
	Loaf	,,	26 0‡		
	Soft	,,	16 8†		
	All other sorts of saccharine produce	...	*Ad valorem*		
57	Tea—				
	Black	lb.	0 10*		
	Green	,,	1 2*		
58	Tobacco—				
	Manufactured	...	*Ad valorem*		
	Unmanufactured	...	,,		
59	*Toilet Requisites not otherwise described*	...	*Ad valorem*		Duties under No. 59 remitted by notification, Department of Revenue, Agriculture, and Commerce, No. 43, dated 18th March 1878.
60	Toys and Requisites for all Games	...	*Ad valorem*		

* See notification, Department of Revenue, Agriculture, and Commerce, No. 60, dated 13th March 1879.
† See notification, Department of Finance and Commerce, No. 71C., dated 6th March 1880.
‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.

SCHEDULE A—*concluded.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.	REMARKS.
			Rs. A.		
61	UMBRELLAS—			5 per cent.	
	China paper kettisals ...	Box of 110	33 0‡		
	Cotton under 20 inches‡ ...	Each	0 7‡		
	" 20 inches and upwards‡ ..	"	0 13‡		
	" oiled, other than European	"	0 9‡		
	All other sorts	...	*Ad valorem*		
62	WOOLLEN GOODS—				
	Braid	...	*Ad valorem*		
	Hosiery		"		
	Piece goods	...	"		
	All other sorts	...	"		

‡ See notification, Department of Finance and Commerce, No. 101C., dated 10th March 1881.

SCHEDULE B.

EXPORT TARIFF.

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.	REMARKS.
			Rs. A.		
1	*Dyeing and colouring materials—*				All kinds of indigo under No 1 exempted from duty by notification, Department of Finance and Commerce, No 66C, dated 24th February 1880.
	Indigo—				
	Leaves, green or dry ...	*Ton*	...	*Rs. 3.*	
	Manufactured	*Indian maund of 3,200 tolahs.*	...		
2	GRAIN AND PULSE—				
	Rice in the husk (paddy) ...	"	...	3 annas.	
	" not in the husk ...	"	..		
3	*Lac—*				All kinds of lac under No. 3 exempted from duty by notification, Department of Finance and Commerce, No 66C, dated 24th February 1880.
	Button	*Cwt.*	*65 0*	*4 per cent.*	
	Seed	"	*45 0*		
	Shell	"	*80 0*		
	Stick	"	*35 0*		
	All other sorts, except lac-dye, which is free	...	*Ad valorem*		

For the purposes of this schedule, one maund is equal to 82⅔ lbs. avoirdupois, and 27⅓ maunds are equal to one ton. Letter from Government of India, Department of Revenue, Agriculture, and Commerce, to Government of Bombay, No. 141, dated 24th October 1877.

Pepper exported by sea from the port of Cochin is subject to such duty not exceeding nine rupees per khandi as the Governor of Fort St. George in Council from time to time determines. Indian Tariff Act, 1875, section 8.

Regarding the export of opium, see the Opium Act, 1878, sections 4 (*e*) and 5 (*e*).

1881.

GOVERNMENT OF INDIA.

DEPARTMENT OF

FINANCE AND COMMERCE.

CUSTOMS.

INDIAN CUSTOMS TARIFF, 1875.

Revised Edition

[OF 1st APRIL 1881].

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THE BURMA COURTS ACT, 1875.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Extent.
   Commencement.
2. Repeal of Acts.
3. Interpretation-clause.

CHAPTER II.

LAW TO BE ADMINISTERED.

4. Certain decisions to be according to Native law.
5. Law to be administered in Court of Recorder of Rangoon.

CHAPTER III.

OF THE COURT OF THE JUDICIAL COMMISSIONER AND THE COURTS SUBORDINATE THERETO.

(*a*). *Grades of Courts.*

6. Grades of Courts.
7. Confirmation of existing Courts and presiding officers.

(*b*). *Number and local Jurisdiction of Courts.*

8. Power to vary number of Courts.
9. Power to vary local jurisdiction of Courts of grades (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).
10. Place for holding Court.
    Seal to be used.
11. Superintendence over Courts.

(*c*). *Civil Jurisdiction.*

12. Civil jurisdiction of Courts.

(*d*). *Special*

[*Price ten annas three pies.*]

(*d*). *Special Civil Jurisdiction.*

SECTIONS.

13. Chief Commissioner may give special jurisdiction.
14. Chief Commissioner may invest certain Courts with powers of Judge of Court of Small Causes.
15. Power to extend Small Cause jurisdiction to rupees 1,000.
16. Exercise by one Court within limits of another of same class, of powers of latter.
17. Power to confer powers of Deputy Commissioner's Court.

(*e*). *Civil Procedure.*

18. Procedure when subject-matter of suit is situate within jurisdiction of different Courts.
19. Presiding officer of Court not to try suit or appeal in which he is interested;
but in case of Courts subordinate to Judicial Commissioner, to transfer to superior Court;
Procedure thereon.
Appeal to Judicial Commissioner from order passed by him in other capacity or in which he is interested.
20. Power to distribute business.
Language of plaints and record of evidence.

(*f*). *Civil Appeals.*

21. Appeals to lie from Courts of original jurisdiction.
22. Time allowed for presenting appeals to Commissioner.
23. Transfer of civil appellate jurisdiction to Judicial Commissioner.
24. Confirmation of decision of Lower Court without summoning respondent.
25. Reference to Judicial Commissioner.
26. Procedure on such reference.
Costs of reference.
27. When Judicial Commissioner may receive second appeal.
28. When decision of first Appellate Court to be final.
29. Reference to Judicial Commissioner when decision of Lower Court confirmed on certain points.
30. Procedure of Judicial Commissioner thereupon.
31. Reference by Judicial Commissioner to High Court.
Procedure thereupon.
32. Provision as to costs.
33. Assessors for trial of civil appeals and references.
34. Power to call for record.

(*g*). *Criminal Jurisdiction.*

35. Criminal jurisdiction—
(*a*) of Judicial Commissioner,
(*b*) of Commissioner,
(*c*) of Judge of Maulmain.

36. Power

SECTIONS.

36. Power of Chief Commissioner to transfer criminal jurisdiction.

(*h*). *Petitions to Judicial Commissioner when exercising transferred Jurisdiction.*

37. Application of Acts VII of 1870 and IX of 1871 to certain petitions to Judicial Commissioner.

(*i*). *Appointment and Removal of Officers.*

38. Appointment of officers.
39. Suspension and removal of presiding officers.
40. Appointment of ministerial officers of Courts (*a*) and (*b*) mentioned in section 6.
41. Power to fine, suspend or remove such officers.
42. Recovery of fines.
43. Chief Commissioner's control over appointments, &c., of ministerial officers.

(*k*). *Holidays.*

44. List of holidays.

CHAPTER IV.

OF THE COURT OF THE RECORDER OF RANGOON.

(*a*). *The Recorder.*

45. The Court of the Recorder of Rangoon.
Appointment of Recorder.
Place of holding Court.
Seal to be used.
46. Provision for discharge of duties of Recorder in case of vacancy in his office.

(*b*). *Civil Jurisdiction.*

47. Local limits of ordinary civil jurisdiction of Recorder.
48. Civil jurisdiction of Recorder.
49. No appeal from Recorder's Court in certain cases.
When appeal lies to High Court.
50. Assessors in civil suits.
51. Miscellaneous jurisdiction.
52. Recorder's powers in respect of Small Cause Court, Rangoon.
53. Grant of new trial.
Review of judgment.
Security from applicant for either.
54. Power to state case for decision of High Court.
55. Decree contingent thereon.

SECTIONS.

56. Full bench to deal with cases referred.
57. Procedure on reference.
Costs of reference to High Court.
58. Transfer of suits to Recorder's Court.
Trial of such suits.
59. Disposal of suit where Recorder is interested.
Jurisdiction of Judicial Commissioner in cases transferred.

(c). *Criminal Jurisdiction.*

60. Recorder to exercise powers of Session Court.
61. Power to revise proceedings of Magistrates.
62. Jurisdiction as to European British subjects and persons charged jointly with them.
63. Procedure.
Liability of military officers to serve as jurors.
List of officers liable to serve.
Officer summoned not excusable except for urgent military duty.
64. Sentence of death to be referred to High Court.

(d). *Admiralty Jurisdiction.*

65. Admiralty jurisdiction of Recorder.

(e). *Insolvent Jurisdiction.*

66. Insolvent jurisdiction of Recorder.

(f). *Rules, Forms and Registers.*

67. Power to make rules of practice.
68. Rules for service and execution of process.
Table of fees.
Publication of rules and tables.
Rules now in force.
69. Registers and returns.

(g.) *Ministerial Officers.*

70. Appointment and removal of ministerial officers.

(h). *Holidays.*

71. Holidays and vacations.

CHAPTER V.

OF THE SPECIAL COURT.

72. Constitution of Special Court.
Precedence in Special Court.
73. Place of holding Special Court.
Seal to be used.

SECTIONS.

74. Rules and fees for Special Court.
Ministerial officers.
75. Appeals from certain orders of Judicial Commissioner and Judge of Maulmain.
76. Judicial Commissioner and Recorder may sit as Special Court at the request of either.
77. Chief Commissioner may direct cases to be tried by Special Court.
78. Decree of Special Court to be deemed a decree of Original Court.
79. Special Court to be deemed a High Court in certain criminal matters.
80. Rules as to finding of Special Court in case of difference of opinion.
81. Case to be deemed pending.
82. Procedure of High Court on reference.
Costs of reference.
83. Special Court to be deemed a High Court under Acts VII of 1870 and IX of 1871.

CHAPTER VI.

OF ADVOCATES.

(a). In the Court of the Recorder and the Courts subordinate to him.

84. Licensing of advocates.
Rules regarding qualifications and admission.
Saving of agent for Secretary of State, &c.
Advocates, &c., of High Courts.
85. License may be suspended or withdrawn.

(b). In the Court of the Judicial Commissioner and the Courts subordinate thereto.

86. Licensing of advocates.
Rules for their qualification and admission.
87. Saving of agents of Government, suitors, co-suitors and advocates of High Courts.

(c). In the Special Court.

88. Persons entitled to appear, &c., in Special Court.

(d). Advocates' Fees.

89. Fees liable to taxation.

CHAPTER VII.

CHAPTER VII.

MISCELLANEOUS.

SECTIONS.

90. Power to make rules as to costs.
91. Power to make rules for recording judgments, taking down evidence and admission of affidavits.
Power to exempt from provisions of Procedure Codes relating to such subjects, and to permit admission of affidavits.
92. Remuneration to assessors appointed at desire of suitor.
93. Amendment of section 7, Act XV of 1869.
94. Powers of Small Cause Court Judge in Rangoon.
95. Saving of Acts XIX of 1841, XL of 1858, IX of 1861, as regards British Burma,
and of Act XIV of 1859 as regards Pegu.
96. Application of Act No. XIII of 1874.
97. Civil Procedure Code applied to British Burma.
98. Regulations extended to British Burma.

ACT No. XVII OF 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th September 1875).

An Act to consolidate and amend the law relating to the Courts in British Burma, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in British Burma, and to extend to that province certain Regulations of the Bengal Code; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Courts Act, 1875:" Short title.

It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; Extent.

And it shall come into force on the passing thereof. Commencement.

2. Acts No. VII of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*), and No. I of 1873 (*to amend the Burma Courts Act*, 1872) are repealed. But all rules made, directions given and powers conferred under either of the said Acts shall be deemed to have been respectively made, given and conferred hereunder. Repeal of Acts.

And nothing herein contained shall render invalid the trials mentioned in section fourteen of the latter Act.

3. In

Interpretation-clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Chief Commissioner."

"Chief Commissioner" means the Chief Commissioner of British Burma:

"High Court."

"High Court" means the High Court of Judicature at Fort William in Bengal; and

"Judicial Commissioner."

"Judicial Commissioner" means the Judicial Commissioner of British Burma.

CHAPTER II.

LAW TO BE ADMINISTERED.

Certain decisions to be according to Native law.

4. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

the Buddhist law in cases where the parties are Buddhists,

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindú law in cases where the parties are Hindús,

shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished, or is opposed to any custom having the force of law in British Burma.

In cases not provided for by the former part of this section, or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Law to be administered in Court of Recorder of Rangoon.

5. Except as provided in section four, all questions arising in suits before the Recorder of Rangoon shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

CHAPTER III.

CHAPTER III.

OF THE COURT OF THE JUDICIAL COMMISSIONER AND THE COURTS SUBORDINATE THERETO.

(*a*). *Grades of Courts.*

Grades of Courts.

6. Besides the Courts of Small Causes, the Court of the Recorder of Rangoon and the Special Court hereinafter mentioned, there shall be six grades of Civil Courts in British Burma, (namely):—

(*a*) the Court of the Extra Assistant Commissioner of the third class:

(*b*) the Courts of the Extra Assistant Commissioner of the second class, the Extra Assistant Commissioner of the first class, and the Assistant Commissioner:

(*c*) the Court of the Deputy Commissioner:

(*d*) the Court of the Judge of the Town of Maulmain:

(*e*) the Court of the Commissioner; and

(*f*) the Court of the Judicial Commissioner.

Confirmation of existing Courts and presiding officers.

7. All existing Courts, corresponding to the Courts mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) of section six, and the presiding officers and the local limits of the jurisdiction thereof, respectively, shall be deemed to have been respectively established, appointed and fixed under this Act.

(*b*). *Number and local Jurisdiction of Courts.*

Power to vary number of Courts.

8. The Governor General in Council may from time to time vary the number of Courts of each grade established under this Act.

Power to vary local jurisdiction of Courts of grades (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

9. The Chief Commissioner may, with the previous sanction of the Governor General in Council, from time to time vary the local limits of the jurisdiction of any Court mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

10. Every such Court shall—

Place for holding Court.

(*a*) be held at such place or places as may from time to time be directed by the Chief Commissioner;

or

or, in the absence of any such direction, at any place within the local limits of the Court's jurisdiction which the presiding officer thinks fit, and

Seal to be used.

(*b*) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner.

Superintendence over Courts.

11. The general superintendence over all the Courts mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*) and (*e*), is vested in, and the said Courts shall be subordinate to, the Judicial Commissioner; and, subject to such general superintendence, the Commissioner shall control the Courts of the Deputy Commissioners within his Division; and the Deputy Commissioner shall control the Courts of grades (*a*) and (*b*) within his district.

(*c*). *Civil Jurisdiction.*

Civil jurisdiction of Courts.

12. The Courts mentioned in the first column of the subjoined table shall ordinarily have such civil jurisdiction respectively, for the adjudication of suits as is specified in the second column thereof:—

Name and grade of Court.	Extent of jurisdiction.
(*a*). The Court of the Extra Assistant Commissioner of the third class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed five hundred rupees.
(*b*). The Court of the Extra Assistant Commissioner of the second class, the Court of the Extra Assistant Commissioner of the first class, and the Court of the Assistant Commissioner.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed three thousand rupees.
(*c*). The Court of the Deputy Commissioner.	Powers of a Civil Court in all suits, whatever be the amount or value of the subject-matter thereof. Powers of a District Judge. Power to hear appeals from decrees and orders in original suits and proceedings of the Courts of grades (*a*) and (*b*), where such appeal is allowed by law.

Power

Name and grade of Court.	Extent of jurisdiction.
	Power to direct the business in the Courts of grades (*a*) and (*b*) to be distributed among such Courts in such way as he thinks fit.
(*d*). The Court of the Judge of the Town of Maulmain.	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value of the subject-matter of the suit does not exceed one thousand rupees.
(*e*). The Court of the Commissioner.	Power to withdraw any suit or appeal instituted in any Court within the local limits of his jurisdiction, except a Court of Small Causes or the Court of the Judge of the Town of Maulmain, and try such suit or appeal himself or refer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of grade (*c*), where such appeal is allowed by law.
(*f*). The Court of the Judicial Commissioner.	Powers of a High Court, in relation to all Courts in British Burma, including Small Cause Courts, except the Court of the Recorder of Rangoon, and the Court of Small Causes of Rangoon. Power to remove and try any suit, appeal or other proceeding instituted in any subordinate Court except a Court of Small Causes, or to refer it to any Court of competent jurisdiction as to the value or amount of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of the Commissioner, where such appeal is allowed by law.

Provided that, where a Court of Small Causes is established within the local limits of the jurisdiction of any Court of the said grade (*a*), (*b*) or (*c*), such Court shall not take cognizance of any suit cognizable by the Court of Small Causes so established.

(*d*). *Special Civil Jurisdiction.*

13. The Chief Commissioner may invest any Assistant Commissioner, or Extra Assistant Commissioner

Chief Commissioner may give

special jurisdiction.

sioner of the first or second class, with power to try suits, the subject-matter of which does not exceed in amount or value five thousand rupees.

Chief Commissioner may invest certain Courts with powers of Judge of Court of Small Causes.

14. The Chief Commissioner may invest any presiding officer of the Courts of grades (*a*) and (*b*) mentioned in section six with the powers of a Judge of a Court of Small Causes, to hear and determine suits of a nature cognizable by a Court of Small Causes, and the subject-matter of which is of such amount or value as the Chief Commissioner thinks fit, not exceeding five hundred rupees.

Any Court so invested shall, in the exercise of the powers so conferred, be governed by the provisions of the law for the time being in force regulating the procedure of Courts of Small Causes outside the towns of Calcutta, Madras and Bombay.

Power to extend Small Cause jurisdiction to Rs. 1,000.

15. The Chief Commissioner may extend the jurisdiction of any Court of Small Causes to suits of a nature cognizable by such Courts, of which the subject-matter does not exceed in amount or value one thousand rupees.

Exercise by one Court within limits of another of same class, of powers of latter.

16. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*) or (*e*), to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Power to confer powers of Deputy Commissioner's Court.

17. The Chief Commissioner may confer upon the officer in chief executive charge of any district the powers which might be exercised within such district by the Court of a Deputy Commissioner.

(*e*). *Civil Procedure.*

Procedure when subject-matter of suit is situate within jurisdiction of different Courts.

18. Where a suit is brought for immoveable property situate within the local limits of the jurisdictions of different Courts included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

If the said Courts belong to different Divisions, the application shall be made to the Judicial Commissioner

sioner through the Commissioner of the Division in which the Court wherein the suit was instituted is included.

If either of the said Courts is the Court of the Recorder of Rangoon, the application shall be made to the Special Court hereinafter mentioned.

Presiding officer of Court not to try suit or appeal in which he is interested;

19. No presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*) shall, unless with the consent of the parties, or by the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal:

but in case of Courts subordinate to Judicial Commissioner, to transfer to superior Court.

When any such suit, appeal or proceeding comes before the presiding officer of any Court subordinate to the Judicial Commissioner, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances of such transmission.

Procedure thereon.

Such Court shall thereupon try the case itself, or transfer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter.

Appeal to Judicial Commissioner from order passed by him in other capacity or in which he is interested.

In the event of an appeal being preferred to the Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judicial Commissioner to try the case himself, or transfer it to the Court of the Recorder of Rangoon.

Power to distribute business.

20. Notwithstanding anything contained in the Code of Civil Procedure, section six, every Deputy Commissioner may direct suits to be instituted in the Courts subordinate to him, according to such rules as to the description of the suits and the amount or value of their subject-matter as he from time to time, with the

the sanction of the Judicial Commissioner, prescribes in this behalf,

and may also, with the like sanction, direct the business of the said Courts to be distributed among them in such way as he thinks fit :

provided that no Court shall try any suit where the amount or value of the subject-matter exceeds its proper jurisdiction.

Language of plaints and record of evidence.

Notwithstanding anything contained in the same Code, sections 26 and 172, plaints may be written and evidence may be taken down in such language or languages as the Chief Commissioner from time to time directs in this behalf.

(*f*). *Civil Appeals.*

Appeals to lie from Courts of original jurisdiction.

21. Subject to any express provision to the contrary contained in any Act for the time being in force in British Burma, an appeal shall lie from the decrees and orders of the Courts of original civil jurisdiction in British Burma to the Courts empowered by this Act to hear appeals from such decrees and orders.

All such appeals presented between the fifth day of April, 1872, and the passing of this Act, shall be deemed to have been presented under this section.

Time allowed for presenting appeals to Commissioner.

22. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Transfer of civil appellate jurisdiction to Judicial Commissioner.

23. The Chief Commissioner may direct that the civil appellate jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner, either wholly or in respect of a particular suit or class of suits, and either for a specified time or until further orders.

The Chief Commissioner may also at any time direct that any appellate jurisdiction which has been so transferred to the Judicial Commissioner shall revert

revert to the Commissioner from whom it was so transferred.

24. The Appellate Court may confirm the decision of the Lower Court without summoning the respondent, if upon perusal of the judgment of the Lower Court and of the petition of appeal in the presence of the appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

Confirmation of decision of Lower Court without summoning respondent.

25. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt, and refer it, with the Court's own opinion thereon, for the decision of the Judicial Commissioner.

Reference to Judicial Commissioner.

26. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made; and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity therewith.

Procedure on such reference.

The costs, if any, consequent on any such reference to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

Costs of reference.

27. If in any suit the decision of the Deputy Commissioner or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Courts, a further consideration of the case appears to him to be requisite for the ends of justice.

When Judicial Commissioner may receive second appeal.

28. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a matter of fact, such decision shall be final.

When decision of first Appellate Court to be final.

29. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a question

Reference to Judicial Commissioner

when decision of Lower Court confirmed on certain points.

question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have made an incorrect ruling, and to submit it to the Judicial Commissioner, or to allow him to appeal on the same point to the Judicial Commissioner.

Such application or appeal shall not be admitted, unless it is made within the period prescribed by law for petitions of appeal. And if the statement is drawn up, or the appeal is allowed, the applicant shall be chargeable with the fee prescribed by law for petitions of appeal.

In the case of an application to draw up a statement, if the Court consider that there is a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence affecting the merits of the case, it shall draw up a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Judicial Commissioner.

If the Court refuses to draw up such statement, it shall record in writing its reasons for so refusing, and a certified copy of such reasons shall, on application to the Court, be furnished to any party to the suit.

The costs of a statement drawn up under this section shall be costs in the cause. The costs of an application under this section to be allowed to appeal shall, if the appeal be allowed, be disposed of by the Court of appeal.

Procedure of Judicial Commissioner thereupon.

30. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred, as if it were an appeal instituted in his Court, except that it shall not be necessary for the parties to be present :

the Judicial Commissioner shall send a copy of his judgment to the Court by which the case was submitted

submitted, and the said Court shall dispose of the case in conformity with such judgment.

31. When the Judicial Commissioner entertains any doubt as to the decision to be passed on any appeal made or case referred under this Act, he may make a reference to the High Court, and shall send the record of the said appeal or case and all the proceedings connected therewith to the said Court.

Reference by Judicial Commissioner to High Court.

The procedure prescribed by section thirty shall, *mutatis mutandis*, be followed by the High Court in the disposal of references made under this section.

Procedure thereupon.

32. The costs, if any, consequent on such reference shall be disposed of by the Judicial Commissioner.

Provision as to costs.

33. For the trial of any civil appeal or reference under this Act, the Judicial Commissioner may constitute two or more persons assessors of his Court. Such persons shall attend during the trial and shall deliver their opinions in writing to be recorded on the proceedings. But the decision of the case shall rest with the Judicial Commissioner.

Assessors for trial of civil appeals and references.

No officer of the Judicial Commissioner's Court shall be appointed an assessor under this section.

34. In any case in which a Court of first appeal has, in the opinion of the Judicial Commissioner, wrongly refused to submit a statement or allow an appeal under section twenty-nine, the Judicial Commissioner may call for the record of the case, and may, on receipt of such record, proceed to try the case as if it were an appeal instituted in his own Court.

Power to call for record.

And in any case in which a Court of first appeal has submitted such a statement, but, in the opinion of the Judicial Commissioner, the statement is unduly limited, or justice cannot be done without rehearing the case, the Judicial Commissioner may proceed to try the case as if it were an appeal instituted in his own Court.

The Judicial Commissioner shall send to the Court of first appeal a copy of his judgment in any case

case tried under this section, and the said Court shall dispose of the case in conformity with such judgment.

(*g*). *Criminal Jurisdiction.*

Criminal jurisdiction—(*a*) of Judicial Commissioner,

35. The Judicial Commissioner shall be deemed to have and to have had the powers of a High Court under the Code of Criminal Procedure in criminal matters in relation to all Courts in British Burma, except that of the Recorder of Rangoon, and except those of Magistrates within the local limits of the ordinary civil jurisdiction of the said Recorder:

(*b*) of Commissioner,

The Commissioner shall be deemed to have and to have had the powers of a Sessions Judge:

(*c*) of Judge of Maulmain.

The Judge of the Town of Maulmain shall have the powers of a Sessions Judge.

Power of Chief Commissioner to transfer criminal jurisdiction.

36. The Chief Commissioner may direct that the criminal jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner either wholly or in respect of a particular case or class of cases, and either for a specified time or until further orders. The Chief Commissioner may also at any time direct that any jurisdiction so transferred shall revert to the Commissioner from whom it was transferred.

(*h*). *Petitions to Judicial Commissioner when exercising transferred Jurisdiction.*

Application of Acts VII of 1870 and IX of 1871 to certain petitions to Judicial Commissioner.

37. When the civil or criminal appellate jurisdiction of any Commissioner has, under section twenty-three or section thirty-six, been transferred to the Judicial Commissioner,

(*a*) all petitions and other documents presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Court Fees Act, 1870, be deemed to have been presented to the Commissioner: and

(*b*) all appeals and applications presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Indian Limitation Act, 1871, be deemed to have been

been presented to him in the exercise of his ordinary jurisdiction.

(*i*). *Appointment and Removal of Officers.*

38. The presiding officers of all the Courts under this Act, except that of the Extra Assistant Commissioner of the third class, shall be appointed by the Governor General in Council. Appointment of officers.

Extra Assistant Commissioners of the third class shall be appointed and may be removed by the Chief Commissioner.

39. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council. Suspension and removal of presiding officers.

The presiding officer of any such Court, except the Courts of the Judicial Commissioner and the Recorder of Rangoon, may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

40. The ministerial officers of the Courts of grades (*a*) and (*b*) mentioned in section six shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate. Appointment of ministerial officers of Courts (*a*) and (*b*) mentioned in section 6.

The ministerial officers of all other Courts under this Act shall be appointed by the presiding officers thereof;

provided that the appointment of every ministerial officer of a Court subordinate to the Judicial Commissioner, whose monthly salary exceeds fifty rupees, shall be subject to the sanction of the Judicial Commissioner.

41. Every Court of the grades (*a*) and (*b*) mentioned in section six may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of misconduct or neglect in the performance of the duties of his office. Power to fine, suspend or remove such officers.

The Deputy Commissioner, subject to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order; and may of his

own

own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of a Court subordinate to him.

The presiding officer of any of the Courts of grades (*c*), (*d*), (*e*) and (*f*) mentioned in section six, and of any Court of Small Causes, may remove or suspend the ministerial officers of his Court, or fine them in an amount not exceeding one month's salary; but in the case of Courts subordinate to the Judicial Commissioner, every such removal, suspension or fine shall be subject to review by him.

Recovery of fines.

42. Any fine imposed under this chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Chief Commissioner's control over appointments, &c., of ministerial officers.

43. The Chief Commissioner shall have a power of general control over all appointments and removals of ministerial officers under this Act.

(*k*). *Holidays.*

List of holidays.

44. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as close holidays in his Court and the Courts subordinate to him.

Such list shall be published in the *British Burma Gazette*, and the days therein mentioned shall be observed accordingly.

CHAPTER IV.

OF THE COURT OF THE RECORDER OF RANGOON.

(*a*). *The Recorder.*

The Court of the Recorder of Rangoon.

45. There shall continue to be a Court, to be called the Court of the Recorder of Rangoon.

Appointment of Recorder.

The Recorder shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

He

He shall hold his Court ordinarily in the Town of Rangoon; but the Chief Commissioner may direct him on any particular occasion to hold his Court at Maulmain, Akyab or Bassein, for the trial of civil suits or appeals transferred to him, or of criminal cases in which European British subjects are concerned.

Place of holding Court.

The Recorder shall use a seal of such form and dimensions as are for the time being prescribed in this behalf by the Chief Commissioner.

Seal to be used.

46. Upon the occurrence of any vacancy in the office of Recorder of Rangoon, and during any absence of the Recorder, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Recorder;

Provision for discharge of duties of Recorder in case of vacancy in his office.

and the Judicial Commissioner or the Commissioner so directed shall thereupon be authorized to preside in the Court of the Recorder and to exercise the jurisdiction of the Recorder until some person has been appointed by the Governor General in Council to fill or officiate in the office of the Recorder, and has entered upon the discharge of the duties of such office, or until the Recorder resumes his duties.

(*b*). *Civil Jurisdiction.*

47. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the ordinary civil jurisdiction of the Recorder appointed under this Act; but the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, vary such limits.

Local limits of ordinary civil jurisdiction of Recorder.

48. The Court of the Recorder shall have jurisdiction in the adjudication of suits of every description, except those which are cognizable by a Court of Small Causes, if, in the case of immoveable property, the subject-matter of the suit is situate, or if, in all other cases, the cause of action or a material part thereof has arisen, or the defendant at the time of the commencement of the suit dwells, or either personally or by his servant or agent carries on business or works

Civil jurisdiction of Recorder.

for

for gain, within the limits mentioned in section forty-seven.

A corporation or company having an office within such limits shall, when the cause of action, or a material part thereof, has arisen in British Burma, or in any foreign territory adjacent thereto, be deemed, for the purpose of this section, to carry on business at such office.

No appeal from Recorder's Court in certain cases.

49. There shall be no appeal from the decree or order of the Recorder passed in any original suit or proceeding where the amount or value of the subject-matter does not exceed three thousand rupees.

When appeal lies to High Court.

But where the amount or value of the suit or proceeding in the Recorder's Court exceeds three thousand rupees, and is less than ten thousand rupees, an appeal shall lie to the High Court: provided that the amount or value of the matter in dispute on appeal must exceed the former sum and be less than the latter.

Assessors in civil suits.

50. For the trial of civil suits the Recorder may constitute one or more persons assessor or assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Recorder.

No officer of the Recorder's Court shall be appointed an assessor under this section.

Miscellaneous jurisdiction.

51. The Recorder shall within the local limits of his ordinary civil jurisdiction, exercise the powers of a District Judge; and he shall also exercise the powers of a District Judge under Act No. IV of 1869 (*The Indian Divorce Act*) throughout British Burma.

Recorder's powers in respect of Small Cause Court, Rangoon.

52. The Recorder shall, in respect of the Court of Small Causes in Rangoon, exercise and perform the powers and duties of a High Court.

Grant of new trial.

53. The Recorder may, if he thinks fit, grant a new trial in any suit tried by him, if, in suits relating to land or other immoveable property, such new trial be applied for within three months from the date of the

the decision, and, in all other cases, if it be applied for within thirty days from the date of the decision.

Review of judgment.

Provided that nothing hereinbefore contained shall interfere with the power of the Recorder to allow a review of judgment under the Code of Civil Procedure, if such review be applied for within the period allowed for making such applications.

Security from applicant for either.

Provided also that the Recorder may, if he thinks fit, before granting a new trial or a review, require the party applying for the same to give sufficient security for the due compliance with the terms of the decree or order which it is sought to set aside or review, or for the costs of the new trial or review.

Power to state case for decision of High Court.

54. If in any suit any question of law or usage having the force of law, or the construction of a document affecting the merits of the decision, arises, on which the Recorder entertains any doubt, he may, either of his own motion, or on the application of the parties to the suit or either of them, draw up a statement of the case, and refer such statement, with his own opinion, for the decision of the High Court.

Decree contingent thereon.

55. The Recorder may proceed in the case notwithstanding a reference to the High Court, and may pass a decree contingent upon the decision of the High Court on the point referred; but no execution shall be issued in any case in which a reference has been made to the High Court, until the receipt of its decision on such reference.

Full bench to deal with cases referred.

56. Cases referred under section fifty-four for the decision of the High Court shall be dealt with by a bench of two or more Judges of that Court.

Procedure on reference.

57. The parties to the case may appear and be heard in the High Court in person, or by an advocate or pleader; but they shall not be bound so to appear; and the High Court, when it has heard and considered the case, shall transmit a copy of its decision, under the seal of the Court and the signature of the proper officer, to the Recorder, who shall, on the receipt thereof, dispose of the case conformably to the decision of the High Court.

Costs,

Costs of reference to High Court.

Costs, if any, consequent on the reference of a case for the decision of the High Court, shall be costs in the suit.

Transfer of suits to Recorder's Court.

58. The Chief Commissioner may direct the transfer to the Recorder's Court of any suit or appeal which may have been instituted in any other Court in British Burma.

Trial of such suits.

Every case so transferred shall be tried and determined by the Recorder in the same manner as if he had originally had jurisdiction in such case and it had been instituted in his Court.

Disposal of suit where Recorder is interested.

59. When any suit or proceeding comes before the Recorder of Rangoon, to or in which he is a party or personally interested, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Recorder to try the case himself, or transfer it to the Court of the Judicial Commissioner.

Jurisdiction of Judicial Commissioner in cases transferred.

The Judicial Commissioner shall have the same jurisdiction in the adjudication of cases so transferred as the Recorder has in suits and proceedings cognizable by him under this Act, and the provisions of sections fifty-three to fifty-seven inclusive shall, *mutatis mutandis*, apply to such cases.

(*c*). *Criminal Jurisdiction.*

Recorder to exercise powers of Session Court.

60. The Recorder shall exercise the powers of a Court of Session, as defined in the Code of Criminal Procedure, within the local limits of his ordinary civil jurisdiction and (on the occasion and for the purpose mentioned in section forty-five, clause three,) at Maulmain, Akyab and Bassein:

Provided that sentences of death passed by him as a Court of Session shall be subject to the confirmation of the Special Court.

For the purposes of section 64A of the Code of Criminal Procedure, the Court of the Recorder shall be deemed to be a High Court.

Power to revise proceed-

61. The Recorder shall have all the powers of a High Court under the Code of Criminal Procedure in

in respect of the Magistrates within the local limits of his ordinary civil jurisdiction and the proceedings of such Magistrates.

ings of Magistrates.

62. The Recorder shall have the powers of a High Court under the Code of Criminal Procedure for the trial of, and otherwise with reference to, European British subjects and persons charged jointly with European British subjects;

Jurisdiction as to European British subjects and persons charged jointly with them.

and all commitments of European British subjects and of persons charged jointly with European British subjects, on charges of offences committed within British Burma, which would according to the law of criminal procedure for the time being in force be made to a High Court, shall be made to his Court.

63. The proceedings on trials held by the Recorder for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure:

Procedure.

Provided that European officers in the military service, commissioned and non-commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

Liability of military officers to serve as jurors.

The officer commanding the station where the Recorder is about to hold a Court of Session shall, when required, send in to the Court a list containing the names of all officers so liable to serve.

List of officers liable to serve.

The summons to any such officer to serve as a juror shall be sent through the officer commanding the station; but no officer shall be excused from attendance, unless the officer commanding the station shall certify in writing to the Court that the presence of the officer summoned is required elsewhere on urgent military duty: and in such certificate the commanding officer shall supply the name of some other officer for service upon the jury.

Officer summoned not excusable except for urgent military duty.

64. Sentences of death passed in the exercise of the powers conferred by section sixty-two shall not be carried out without the confirmation of the High Court, to which such sentences shall be referred.

Sentence of death to be referred to High Court.

(*d*). *Admiralty*

(*d*). *Admiralty Jurisdiction.*

Admiralty jurisdiction of Recorder.

65. Throughout British Burma, including the territorial waters thereof, the Recorder shall have and exercise all such civil jurisdiction and maritime jurisdiction of a civil nature as may now be exercised by the High Court as a Court of Admiralty or of Vice-admiralty, and also such jurisdiction for the trial and adjudication of prize-causes and other maritime questions as may now be exercised by the said High Court.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be regulated, as far as may be, by the Code of Civil Procedure; and in all such cases to which the rules contained in the said Code are not applicable, the procedure shall be in accordance with the rules for the time applicable to like cases in the High Court.

An appeal shall lie to the High Court from any sentence or decree of the Recorder under this section, subject to the laws, rules and orders for the time being in force regarding appeals to the High Court under the Code of Civil Procedure.

(*e*). *Insolvent Jurisdiction.*

Insolvent jurisdiction of Recorder.

66. Within the Towns of Rangoon, Maulmain, Akyab and Bassein, the Recorder shall have and exercise such powers and authorities with respect to insolvent debtors and their creditors as are for the time being exercisable with respect to insolvent debtors and their creditors by the High Court or a Judge thereof, in Calcutta.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be, as far as may be practicable, in accordance with the procedure prescribed by the 11th & 12th of Victoria, chapter twenty-one.

The Recorder shall, with the previous sanction of the Chief Commissioner, appoint a person to be official assignee in all insolvencies to be prosecuted in the Court of the Recorder; and the provisions of the said

said Statute relating to official assignees shall, *mutatis mutandis*, apply to the assignee so appointed.

Every order made by the Recorder in the exercise of the jurisdiction conferred by this section shall have the same force throughout British India as if it had been made by the High Court or a Judge thereof,

and all the provisions of the said Statute relating to the persons or property of insolvents shall, *mutatis mutandis*, apply to insolvents applying for relief under this section.

Any person thinking himself aggrieved by any adjudication, order or proceeding of the Court of the Recorder under this section may present, within one month thereafter, a petition to the Special Court; and such Court shall enquire into the matter of the petition and make such order thereon as it thinks just, and such order shall be final and conclusive on all parties, and shall be binding on the Court of the Recorder.

The Recorder may, from time to time, with the previous sanction of the Chief Commissioner, make rules consistent with this Act for facilitating within his jurisdiction the relief intended to be hereby given; and such rules, on being published in the *British Burma Gazette*, shall have the force of law.

No conveyance, letter-of-attorney, or other instrument executed under any order of the Recorder in exercise of the jurisdiction conferred by this section, shall be chargeable with stamp-duty.

(*f*). *Rules, Forms and Registers.*

67. The Recorder may—

Power to make rules of practice.

(*a*) make and issue general rules for regulating the practice and procedure of his Court and the levy of costs in suits therein;

(*b*) prescribe forms for every proceeding in his Court for which he thinks that a form should be provided, and

(*c*) from time to time alter any such rule or form.

The

The rules so made, and the forms so framed, shall be published in the *British Burma Gazette*, and after being so published shall be observed and used in the said Court:

Provided that such rules and forms shall be consistent with the Codes of Civil and Criminal Procedure and any other law for the time being in force in British Burma, and shall, before they are so published, have received the sanction of the Chief Commissioner.

Rules for service and execution of process.

Table of fees.

68. The Recorder may, with the previous sanction of the Chief Commissioner, make, and from time to time alter, rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction; and may from time to time settle tables of fees to be allowed to the persons employed in such service or execution.

Publication of rules and tables.

All such rules and tables shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

Rules now in force.

Rules heretofore made to regulate the service and execution of process under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmain in British Burma; and to establish Courts of Small Causes in the said Towns*), or Act No. III of 1866 (*to confer certain increased powers on the Registrars of the Recorders' Courts in British Burma and for other purposes*) and now in force shall continue in force until superseded by rules made under this Act.

Registers and returns.

69. The Recorder shall keep such registers and books and accounts, and submit to the Chief Commissioner such statements and returns as may, subject to the approval of the Governor General in Council, be prescribed by the Chief Commissioner.

The Recorder shall also comply with such requisitions for information as are made by the Chief Commissioner, and, generally, in matters not judicial, shall be subject to the control of the Chief Commissioner.

(*g*). *Ministerial*

(*g*). *Ministerial Officers.*

70. The ministerial officers of the Court of the Recorder of Rangoon shall be appointed by the Recorder, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary; but the suspension or removal of any officer drawing a salary of one hundred rupees or upwards shall be subject to the orders of the Chief Commissioner.

Appointment and removal of ministerial officers.

(*h*). *Holidays.*

71. The Recorder shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in his Court, and shall submit the same for the sanction of the Chief Commissioner.

Holidays and vacations.

Such list, when it has received such sanction, shall be published in the *British Burma Gazette*, and the said holidays and vacations shall be observed accordingly.

CHAPTER V.

Of the Special Court.

72. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Recorder of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court, during the hearing of any case, as an additional Judge. Such Commissioner shall record his opinion in the case, and in case of a difference of opinion, the opinion of the majority shall be the decision of the Court.

Constitution of Special Court.

When the Judicial Commissioner and Recorder sit together as a Special Court, the senior officer, according to priority of appointment, shall have the precedence in the Court so formed.

Precedence in Special Court.

73. The Special Court shall ordinarily be held in the Town of Rangoon; but the Chief Commissioner may direct it to be held at any other place in British Burma.

Place of holding Special Court.

The

Seal to be used.

The Special Court shall use a seal of such form and dimensions as the Chief Commissioner from time to time directs.

Rules and fees for Special Court.

74. The Judicial Commissioner and the Recorder of Rangoon may from time to time, with the previous sanction of the Chief Commissioner—

(*a*) make rules for regulating the times and places of the sittings of the Special Court, the reception of applications relating to appeals to such Court, and the distribution of business between the Judges composing it; provided that such rules are consistent with this Act and other laws for the time being in force in British Burma;

(*b*) make rules to regulate the service and execution of the process of the Special Court; and

(*c*) settle a table of fees to be allowed to persons employed in such service or execution.

Such rules and table shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

Ministerial officers.

The Judicial Commissioner and Recorder may also appoint, suspend or remove the ministerial officers of the Special Court: Provided that the suspension or removal of any officer drawing a salary of one hundred rupees and upwards shall be subject to the orders of the Chief Commissioner.

Provided also that in case the Judicial Commissioner and Recorder differ in opinion as to any matter mentioned in this section, such matter shall be referred to the Chief Commissioner, whose order thereon shall be final.

Appeals from certain orders of Judicial Commissioner and Judge of Maulmain.

75. Appeals from orders and decrees passed by—

(*a*) the Judicial Commissioner in the exercise of any jurisdiction transferred to him under section twenty-three, or

(*b*) the Judge of the Town of Maulmain in civil suits and proceedings,

shall, where an appeal is allowed by law, be heard and determined by the Special Court.

76. If

76. If in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the said Judicial Commissioner and Recorder shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case so pending.

Judicial Commissioner and Recorder may sit as Special Court at the request of either.

In case of difference of opinion, that of the Court which sought the opinion of the other shall prevail.

77. The Chief Commissioner may direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, shall be transferred to and tried before the Special Court.

Chief Commissioner may direct cases to be tried by Special Court.

78. Any decree or sentence passed by a Special Court as above constituted on a memorandum recorded under section seventy-six, or in a case tried under section seventy-seven, shall issue as, and be deemed to be, a decree or sentence of the Court from which the case was referred to the Special Court.

Decree of Special Court to be deemed a decree of original Court.

79. With reference to all trials held by the Judicial Commissioner or the Recorder of Rangoon in the exercise of any original criminal jurisdiction (including jurisdiction transferred under section thirty-six), and to sentences passed on such trials, the Special Court shall be deemed to be, for the purposes of appeal and otherwise, a High Court:

Special Court to be deemed a High Court in certain criminal matters.

Provided that nothing in the former part of this section applies to sentences of death passed by the Recorder on European British subjects or on persons charged jointly with European British subjects.

80. Whenever,

Rules as to finding of Special Court in case of difference of opinion.

80. Whenever, in cases tried by the Judicial Commissioner and Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the following rules shall be observed :—

(*a*) In cases coming before the Special Court by way of appeal, and not being criminal cases, if the Judicial Commissioner and Recorder do not concur in a judgment varying the decision appealed from, such decision shall be upheld. Provided that, if the difference of opinion arise as to some point of law, or custom having the force of law, or the admissibility of evidence or construction of a document affecting the merits of the case, and if either the Judicial Commissioner or the Recorder be of opinion that the point should be referred to the High Court, they shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

(*b*) In criminal cases and in cases not coming before the Special Court by way of appeal, the Judicial Commissioner and the Recorder shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

Case to be deemed pending.

81. Where in any case a statement is forwarded under section eighty, the case shall be deemed to be pending in the Special Court until it is finally decided under the provisions hereinafter contained.

Procedure of High Court on reference.

82. The High Court shall proceed to decide any point stated under section eighty as if it were an appeal instituted in such Court, except that it shall not be necessary for the parties to appear either personally or by agent. A copy of the decision of the High Court shall be sent to the Special Court, and such Court shall proceed to dispose of the case conformably with that decision.

Costs of reference.

The costs, if any, consequent on the statement under section eighty, of any case for the opinion of the High Court, shall be costs in the suit or appeal.

83. For

83. For the purposes of the Court Fees Act, 1870, the Special Court shall be deemed to be a High Court in the exercise of its jurisdiction as a Court of Appeal or as a Court of Reference, as the case may be.

Special Court to be deemed a High Court under Acts VII of 1870 and IX of 1871.

For the purposes of the Indian Limitation Act, 1871, appeals and applications to the Special Court shall be deemed to be, respectively, appeals and applications to a High Court under the Code of Civil Procedure or under the Code of Criminal Procedure, as the case may be.

CHAPTER VI.

Of Advocates.

(*a*). *In the Court of the Recorder and the Courts subordinate to him.*

84. No person shall be permitted to appear, plead or act as the advocate of any suitor in the Court of the Recorder, or in any Court subordinate to him, unless such person has been licensed thereto by the Recorder, either generally or specially.

Licensing of advocates.

The Recorder may make rules for the qualification and admission of proper persons to act as advocates in such Courts, and may from time to time cancel, vary or add to, any such rules:

Rules regarding qualifications and admission.

Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading or acting on his own behalf or on behalf of a co-suitor:

Saving of agent for Secretary of State, &c.

Provided also that any person, who for the time being is an advocate, vakíl or attorney-at-law of any of the High Courts of Judicature in India, shall be entitled, without any such license, to act as an advocate for any suitor in the Court of the Recorder and the Courts subordinate to him.

Advocates, &c., of High Courts.

85. The

License may be suspended or withdrawn.

85. The Recorder may, for any sufficient reason, by order suspend or withdraw any license granted under section eighty-four.

Any person aggrieved by such order may appeal to the High Court, and for the purposes of the Limitation Act, his appeal shall be deemed to be an appeal under the Code of Civil Procedure.

(*b*). *In the Court of the Judicial Commissioner and the Courts subordinate thereto.*

Licensing of advocates.

86. No person shall be permitted to appear, plead or act as the advocate of any suitor, or of any appellant, complainant or accused person, in the Court of the Judicial Commissioner, or in any Court, whether civil or criminal, subordinate thereto, unless such person is licensed thereto by the Judicial Commissioner, either generally or specially.

Rules for their qualification and admission.

The Judicial Commissioner may from time to time make rules—

(*a*) for the qualification, admission and enrolment of proper persons to appear, plead or act as aforesaid; and

(*b*) for the suspension or dismissal of any such persons who are guilty of fraudulent or grossly improper conduct.

All such rules shall be published in the *British Burma Gazette.*

Any person appearing, pleading or acting in contravention of any such rule, shall be liable, by order of the Court, to a fine not exceeding five hundred rupees.

Saving of agents of Government, suitors, co-suitors and advocates of High Courts.

87. Notwithstanding anything contained in section eighty-six, or in any rule made thereunder,

any person may appear, plead or act as the agent for the Crown or for the Secretary of State for India in Council;

and any suitor may appear, plead or act on behalf of himself or a co-suitor;

and

and any person who for the time being is an advocate, vakíl or attorney-at-law of any High Court may appear, plead or act as the advocate of any suitor in the Court of the Judicial Commissioner or any Court subordinate thereto.

And nothing contained in section eighty-six, or in any rule made thereunder, shall be deemed to affect the second clause of section 186 of the Code of Criminal Procedure.

(*c*). *In the Special Court.*

88. All persons for the time being licensed to appear, plead or act in the Court of the Recorder or the Court of the Judicial Commissioner shall be also entitled to appear, plead or act (as the case may be) in the Special Court.

Persons entitled to appear, &c., in Special Court.

(*d*). *Advocates' Fees.*

89. The fees to be received by any advocate, for business done in any Court under this Act, shall at all times be subject to the control and taxation of the presiding Judge; and no such fees shall be recoverable unless they have been allowed on taxation by the said Judge, or such officer as he appoints in this behalf.

Fees liable to taxation.

CHAPTER VII.

MISCELLANEOUS.

90. The Judicial Commissioner may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

Power to make rules as to costs.

The Recorder of Rangoon may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

And the Special Court may from time to time make rules regulating the fees payable to practitioners

tioners and the control and taxation of costs in such Court.

Power to make rules for recording judgments, taking down evidence and admission of affidavits.

91. The Judicial Commissioner, the Recorder of Rangoon, and the Judges of the Special Court may respectively make rules to provide for—

(*a*) the recording of their respective judgments, orders and sentences:

(*b*) the taking down in their respective Courts of the evidence of witnesses; and

(*c*) the admission in their respective Courts of affidavits as evidence of the matters to which such affidavits respectively relate.

Power to exempt from provisions of Procedure Codes relating to such subjects,

and to permit admission of affidavits.

And the Chief Commissioner, on being satisfied that such rules provide sufficiently for the matters to which they respectively refer, may exempt the Judicial Commissioner, the Recorder, or the Special Court (as the case may be) from the operation of such parts of the Code of Civil Procedure and the Code of Criminal Procedure as relate to the mode of recording judgments, orders and sentences and of taking down the evidence of witnesses, and may permit the admission of affidavits as evidence of the matters aforesaid.

Remuneration to assessor appointed at desire of suitor.

92. If any assessor is appointed under section thirty-three or section fifty at the desire of the parties, or any of them, such parties or party shall deposit such sum as the Judicial Commissioner or Recorder, as the case may be, decides to be reasonable compensation to such assessor for his time and trouble. Such sum shall be recoverable as costs in the cause.

Amendment of section 7, Act XV of 1869.

93. Instead of the last paragraph of section seven of the Prisoners' Testimony Act, 1869, the following shall be read:—

"For the purposes of this Act, every jail in British Burma shall be deemed to be situate within the local limits of the appellate jurisdiction of the Judicial Commissioner; and the Recorder of Rangoon may issue orders, under this section or sections three

or

or four, and may also issue commissions under Part III of this Act, in any jail in British Burma."

Powers of Small Cause Court Judge in Rangoon.

94. Notwithstanding anything contained in Act No. XI of 1865, section fifteen, the Government of India shall have, and be deemed to have had, power from time to time to invest any person with the powers of a Judge of the Court of Small Causes in the Town of Rangoon, or elsewhere in British Burma, without specifying any time during which he shall exercise such powers. And all persons so invested shall be deemed to have been duly invested under the same section.

Saving of Acts XIX of 1841, XL of 1858, IX of 1861, as regards British Burma,

95. Notwithstanding any repeal effected by the Burma Courts Act, 1872, section five, the following Acts, namely,—

Act No. XIX of 1841 (*for the protection of moveable and immoveable property against wrongful possession in case of successions*), and

Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*),

are hereby declared to be, and from the fifteenth day of January, 1863, to have been, in force throughout British Burma:

and of Act XIV of 1859 as regards Pegu.

And Act No. XIV of 1859 (*to provide for the limitation of suits*) as amended by Act No. XIV of 1862, shall be deemed to have been in force throughout the province of Pegu from the same day down to and including the thirty-first day of March 1873.

Application of Act No. XIII of 1874.

96. The Judge of the Town of Maulmain shall, for the purposes of the European British Minors Act, 1874, sections two and eight, be deemed to be a Deputy Commissioner: provided that appeals from his orders under that Act shall lie to the Special Court.

Civil Procedure Code applied to British Burma.

97. Save as otherwise provided by this Act, the Code of Civil Procedure shall be, and shall on and from the fifth day of April, 1872, be deemed to have been, in force throughout British Burma.

98. The

Regulations extended to British Burma.

98. The unrepealed parts of the following Regulations of the Bengal Code shall, *mutatis mutandis*, be deemed to extend to British Burma, namely :—

Regulation V of 1799, section seven—Wills and Intestacies of Natives;

" V of 1817—Hidden treasure; and

" III of 1818—State Prisoners.

Office Supdt. Govt. Printing—No. 73 L. D.—29-9-75.—3,400.

ACT No. XVIII of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th October 1875).

An Act for the improvement of Law Reports.

WHEREAS it is expedient to diminish the multitude and expense of the Law Reports published in British India, and to improve their quality: And whereas, with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the High Courts of Judicature established under the twenty-fourth and twenty-fifth of Victoria, chapter 104; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Indian Law Reports Act, 1875:" Short title.

It extends to the whole of British India; Local extent.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*. Commencement.

2. Act No. II of 1875 (*to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority*) is hereby repealed. Act II of 1875 repealed. Repealed by Act XII, 1876

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council. Authority given only to authorized reports.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed. Authority of judicial decisions.

[*Price one anna.*]

Office Supdt Govt. Printing.—No. 74 L. D.—1-11-75—3,400.

ACT No. XIX of 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th October 1875).

An Act to provide an appeal from certain decrees of the Chief Court of the Panjáb, and for other purposes.

Preamble.

WHEREAS it is expedient to give a right of appeal from certain decrees and orders of the Chief Court of the Panjáb, and to enable the appellate Court to remand suits and order retrials, and to empower Judges of the said Chief Court to make references as to points of law; It is hereby enacted as follows:—

Appeal from decrees in exercise of original jurisdiction.

1. Subject to the provisions hereinafter contained, an appeal shall lie to the said Chief Court from any decree or order (not being an order made in any criminal trial) made in the exercise of original jurisdiction either by one Judge of the said Chief Court, or by a Bench of two Judges of the same Court, unless such Judges concur in the judgment.

When a suit is heard by a Bench of two Judges exercising original jurisdiction, the judgment of the senior Judge shall be the judgment of the Bench, and the decree or order shall follow thereupon, and any appeal therefrom shall be heard by a Full Bench.

If the decree or order appealed from was made by a single Judge, the appeal shall be heard either by the two other Judges of the said Chief Court or by a Full Bench, as the Court may determine, either by rule made under Act No. IV of 1866, section 43, or, in the absence of such rule, by order in the particular case.

When

[*Price one anna and six pies.*]

When the appeal is heard by two Judges, and they do not concur in varying the decree or order appealed from, such decree or order shall be taken as the final decree or order of the said Chief Court, unless such Court orders (as it is hereby empowered to do) the appeal to be reheard before the Full Bench.

Time for presenting such appeals.

2. Every appeal under this Act must be presented within thirty days from the date of the decree or order appealed against.

But if the period of limitation so prescribed expires on a day when the Court is closed, the appeal may be presented on the day that the Court reopens.

Admission after period has expired.

3. Any such appeal may be admitted after the period of limitation so prescribed, when the appellant satisfies the Court that he had sufficient cause for not presenting it within such period; and in the case of any decree against which the Chief Court has declared an appeal to Her Majesty in Council to be admitted under Act No. VI of 1874, the non-existence of this Act shall be deemed to be sufficient cause within the meaning of this section: provided that the copy of the record has not been transmitted to Her Majesty in Council.

Computation of period.

4. In computing such period, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree or order appealed against, shall be excluded.

Power to remand or order new trial.

5. When an appeal under this Act has been heard, the appellate Court may remand the suit in accordance either with section 371 or section 374 of the Code of Civil Procedure, or may order that the case be tried again either by a Full Bench or by the Court that has already tried it.

Power to make reference on points of law.

6. A single Judge, or a Bench of two Judges (whether exercising original or appellate jurisdiction), may refer for the decision of a Full Bench any question of law arising in any suit or on any appeal before such Judge or Bench of two Judges; and the Judge or Bench making the reference shall dispose of the case

case conformably to the decision of the Full Bench of the question so referred.

7. In case of a difference of opinion among the Judges forming the Full Bench as to the decision to be given on any question coming before them under any provision of this Act, such question shall be decided according to the opinion of the majority of such Judges.

Difference among Judges forming Full Bench.

8. This Act shall be read with, and taken as part of, the Panjáb Chief Court Act, 1866.

This Act to be read with Act IV of 1866.

Office Supdt. Govt. Printing—No. 79 L. D.—1-11-75.—3,400

THE CENTRAL PROVINCES LAWS ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of enactments and rules.
   Proviso as to law relating to land-revenue and Courts of Wards.
3. Certain enactments to be deemed to be in force.
4. Confirmation of existing Acts.
5. Rules of decision in cases of certain classes.
6. Rule in cases not expressly provided for.
7. Articles exempt from attachment.
8. Power to make subsidiary rules.
9. Penalty for breach of rules.
10. Publication of rules.
    Force of rules.

SCHEDULE.

[*Price three annas three pies.*]

ACT No. XX of 1875.

ASSED BY THE PRESIDENT IN COUNCIL ON 23RD NOVEMBER 1875.

(Received the assent of the Governor General on the 9th December 1875).

An Act to declare and amend the Law in force in the Central Provinces.

WHEREAS it is expedient to declare and amend certain portions of the law in force in the Central Provinces; It is hereby enacted as follows :— Preamble.

1. This Act may be called "The Central Provinces Laws Act, 1875 :" Short title.

It extends to the territories now under the administration of the Chief Commissioner of the Central Provinces; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. On and from the date on which this Act comes into force the following shall be repealed, that is to say,— Repeal of enactments and rules.

(*a*) all Bengal Regulations except the Regulations or parts of Regulations hereinafter declared to be in force;

(*b*) all Acts of the Governor General in Council (except the Acts mentioned in the schedule hereto annexed), which do not expressly or by necessary implication extend to the said territories or any part thereof, and have not been extended thereto in exercise of a power conferred by an Act of the Governor General in Council;

(*c*) all rules, regulations and enactments not being Statutes, Bengal Regulations, Acts of the Governor General in Council, or rules or regulations made in exercise of a power conferred by a Statute,

Bengal

Bengal Regulation, or Act of the Governor General in Council :

Proviso as to law relating to land-revenue and Courts of Wards.

Provided that nothing in this section shall affect any rules, regulations, enactments or laws relating to the settlement and collection of land-revenue or the jurisdiction of Courts of Wards, which may be in force at the passing of this Act in any part of the said territories.

Certain enactments to be deemed to be in force.

3. On and from the said date the enactments specified in the schedule hereto annexed shall be deemed to be in force throughout the said territories, to the extent mentioned in the third column of the said schedule.

But the powers and duties incident to the operation of the same enactments, so far as such powers and duties are referred to in the fourth column of the said schedule, shall be exercised and performed by the authorities mentioned in that column.

Nothing in this section shall be deemed to affect the operation of any enactment not mentioned in the said schedule.

Confirmation of existing Acts.

4. Every Act of the Governor General in Council, which extends, or can by notification be extended, to the territories which were under the administration of the said Chief Commissioner at the time of the passing thereof, shall extend, or may by notification be extended, as the case may be, to all the territories now under the administration of the said Chief Commissioner.

Rules of decision in cases of certain classes.

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Act :

Provided

Provided that when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

Rule in cases not expressly provided for.

6. In cases not provided for by section five, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

Articles exempt from attachment.

7. Implements of husbandry and cattle for agricultural purposes and implements of trade are exempted from attachment and sale in execution of decrees of the civil Courts.

Power to make subsidiary rules.

8. The said Chief Commissioner may from time to time make rules consistent with this Act as to the following matters :—

(*a*) the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies ;

(*b*) the imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to ;

(*c*) the custody of judicial records, civil and criminal, and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep ;

(*d*) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

Penalty for breach of rules.

9. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Publication of rules. Force of rules.

10. All rules made under this Act shall, when sanctioned by the Governor General in Council, be published in the *Central Provinces Gazette*, and shall thereupon have the force of law.

SCHEDULE.

SCHEDULE.

(*See section* 3).

A.—Bengal Regulations.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
I of 1798 ...	The prevention of fraud and injustice in conditional sales of land under deeds of Bai-bil-wafa or other deeds of the same nature.	The whole	The functions of "the Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).
V of 1799 ..	Estates of Intestates.	Sections IV, V and VI.	The functions of the Court of "Sadr Díwání Adálat" shall be performed by the Judicial Commissioner.
X of 1804 ...	Punishment of State offences by Courts-Martial.	So much as has not been repealed.	
XI of 1806 .	Passage of Troops.	Sections II to VI and section VIII, with the exception of such part as authorizes Collectors and their Native Officers, or Magistrates and their Police Officers, to give their official aid in procuring coolies for the purpose of	The powers of the "Governor General in Council" and of the "Board of Revenue" shall be exercised by the Chief Commissioner.

SCHEDULE,—*continued.*

A.—BENGAL REGULATIONS,—*continued.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
		facilitating the march of troops or the progress of travellers, ~~and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804."~~	
XVII of 1806	Redemption and foreclosure of mortgages and conditional sales of land under deeds of Bai-bil-wafa, &c.	Sections VII and VIII.	The functions of the "Zila or City Court of Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).
XX of 1810 ...	Camp-followers and Bázárs.	So much as has not been repealed, except sections I to III, VI, XX, and in section VII the words "as described in the plans"	
XI of 1812 ...	Foreign Immigrants.	So much as has not been repealed.	The powers of the "Nizámat Adálat" shall be exercised by the Judicial Commissioner.

SCHEDULE,—*continued.*

A.—BENGAL REGULATIONS,—*continued.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
V of 1817 ...	Hidden treasure	So much of the Regulation as is not repealed, with the exception of— (*a*) the first portion of section V down to and including the words "to such treasure." (*b*) the following words in section VIII, that is to say, "on the application of the vakíl of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the Western Provinces, or the Commissioner in Behar and Benares."	The functions of the "Zila or City Court" shall be performed by the Court of the Deputy Commissioner; those of the "Provincial Court" by that of the Commissioner, and those of the "Sadr Díwání Adálat" by that of the Judicial Commissioner.
III of 1818 ...	State Prisoners	So much as has not been repealed.	
VI of 1819 ...	Ferries ...	So much as has not been repealed, with the exception of, in section VII, the words and figures "in no case exceeding, without an indispensable	

SCHEDULE,—*continued.*

A.—BENGAL REGULATIONS,—*concluded.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
		necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816," and in section X the words and figures from and including "in the manner" down to the end of the section.	
VI of 1825 ...	Supply of troops on the march.	The whole ...	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XI of 1825 ...	Alluvion and Diluvion.	The whole.	
XX of 1825 ...	Jurisdiction of Courts Martial.	Sections I and II.	
V of 1827 ...	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses five and six, section XVI, Regulation III, 1803."	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.

SCHEDULE,—(*concluded.*)

B.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year of Act.	Subject.	Extent of operation.
1	2	3
VIII of 1851 ...	Tolls on Roads and Bridges.	The whole Act, except section one and the schedule.
XVIII of 1853 ...	Sale of spirits in Cantonments.	The whole Act.
XIII of 1857 ...	Opium	Sections twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine.
XL of 1858 ...	Minors	The whole Act, except section one, and subject to the amendment made by the Indian Majority Act, 1875.
XV of 1864 ...	Tolls	The whole Act.

Office Supdt. Govt. Printing.—No. 134 L. D.—16-12-75.—3,000.

ACT No. XXI of 1875.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 14th December 1875).

An Act to authorize the University at Calcutta to grant Honorary Degrees.

Preamble.

WHEREAS, under Act No. II of 1857, an University was established at Calcutta for the purpose of ascertaining by examination the persons who had acquired proficiency in different branches of Literature, Science and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments: and by section eight of the same Act the Chancellor, Vice-Chancellor and Fellows for the time being of the said University were empowered to make bye-laws and regulations touching the examination for such Degrees and the granting of the same;

And whereas, by section eleven of the same Act, it was provided that the said Chancellor, Vice-Chancellor and Fellows should have power after examination to confer the several Degrees therein mentioned;

And whereas, under Act No. XLVII of 1860, the Chancellor, Vice-Chancellor and Fellows for the time being of the said University were empowered to confer such Degrees as they should appoint by bye-laws and regulations made and approved as therein mentioned; and all the provisions of the said Act No. II of 1857 with respect to the Degrees therein mentioned, and the examination for those Degrees were declared to apply to Degrees conferred under the said Act No. XLVII of 1860, and to the examinations for such Degrees;

And whereas, under bye-laws and regulations made in exercise of the said powers, the executive government

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government of the said University is now vested in a Syndicate consisting of the Vice-Chancellor and six of the Fellows of the said University; and it is the duty of the said Syndicate (among other things) to grant Academical Degrees;

And whereas it is expedient to authorize the said Syndicate to grant such Degrees to persons who have not undergone a previous examination; It is hereby enacted as follows:—

Power to confer Honorary Degrees.

1. With the previous consent of the said Chancellor, the said Syndicate for the time being may grant any Academical Degree to any person without requiring him to undergo any examination for such Degree:

Provided that the said Vice-Chancellor and not less than four of the other members of the said Syndicate for the time being certify in writing that in his and their opinion such person is, by reason of eminent position and attainments, a fit and proper person to receive such Degree.

Office Supdt. Govt Printing.—No. 194 L. D.—20-12-75.—3,400